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City of Huntington Beach General Plan

Natural Resources Chapter Coastal Element



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AMENDMENTS

Planning Commission		City Council	
Date	Resolution Number	Date	Resolution Number
10-17-78	1235	11-6-78	4896
3-6-79	1243	3-21-79	4729
8-2-83	1310	12-5-83	5324
5-15-84	1322	6-4-84	5385
1-20-88	1383		
		8-7-89	6053
9-9-98		1-6-90	6096
9-24-02		10-5-98	58-76
		10-21-02	

Legend

	CITY BOUNDARY
	FREEWAY
	STREET CAPACITY
	MAJOR 45,000
	PRIMARY 30,000
	SECONDARY 20,000
	COLLECTOR 10,000

NOTE:

SOLID LINES INDICATE EXISTING RIGHT OF WAY
NOT NECESSARILY ULTIMATE RIGHT OF WAY

DASHED LINES INDICATE AREAS WHERE NO RIGHT OF WAY EXISTS

CIRCULATION PLAN OF ARTERIAL STREETS AND HIGHWAYS

CITY OF HUNTINGTON BEACH GENERAL PLAN

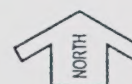


FIGURE C-13

City of Huntington Beach Coastal Element

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Certified by California Coastal Commission: June 14, 2001
Became effective: November 13, 2001**

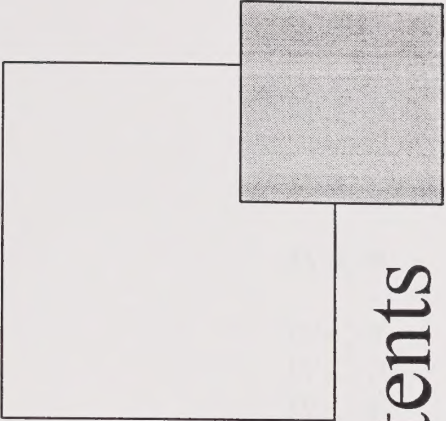


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HUNTINGTON BEACH

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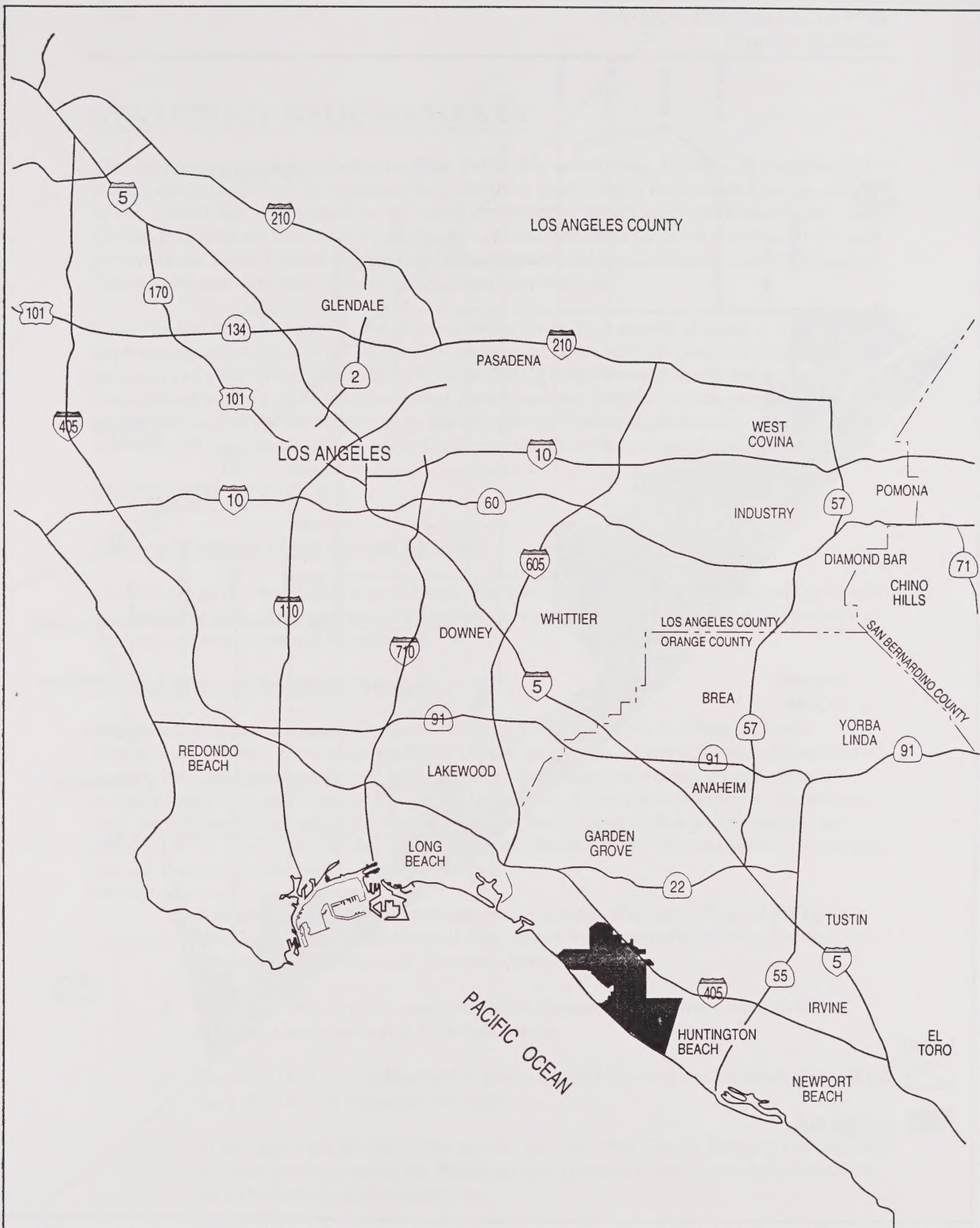
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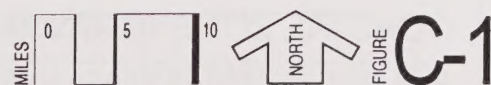
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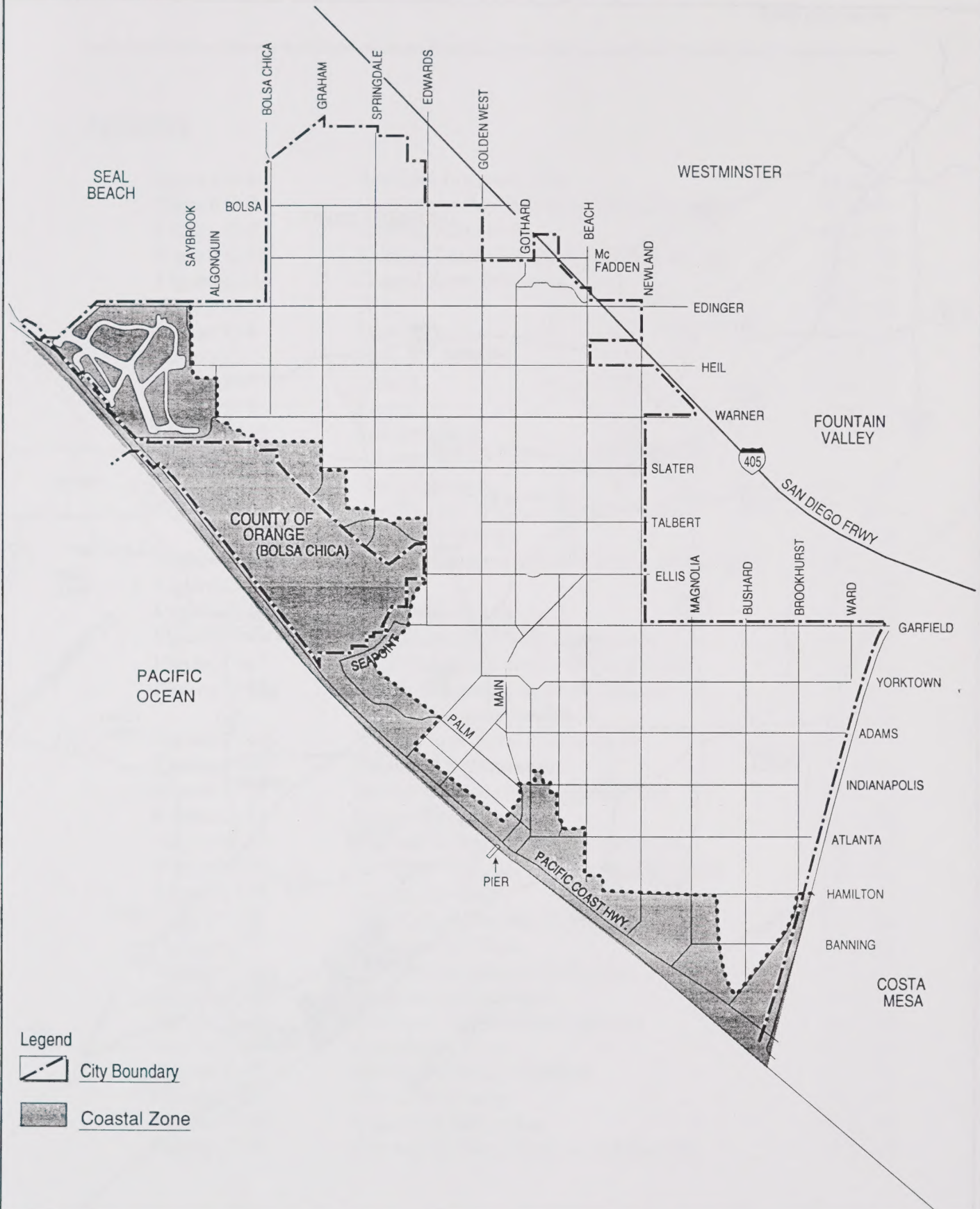
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REGIONAL LOCATION

CITY OF HUNTINGTON BEACH COASTAL ELEMENT





COASTAL ZONE BOUNDARIES

CITY OF HUNTINGTON BEACH COASTAL ELEMENT

MILES 0 0.5 1.0 NORTH **FIGURE C-2**

STATUTORY REQUIREMENTS

The California Coastal Act (California State Public Resources Code, Division 20, Sections 30000 et seq.) directs each local government lying wholly or partly within the Coastal Zone, as defined by the Coastal Act, to prepare a Local Coastal Program for its portion of the Coastal Zone. Local Coastal Programs are used to carry out the policies and requirements of the Coastal Act by local governments. Local Coastal Programs must be reviewed and certified by the California Coastal Commission before being implemented by a local government.

Local Coastal Programs are divided into two components: 1.) A coastal element, and 2.) An implementation program. The coastal element must include a land use plan and clear, specific policies to be used by decision-makers when reviewing coastal related issues and proposed development within a jurisdiction's Coastal Zone boundary. Implementation programs include zoning ordinances, zoning district maps, specific plans and other implementing actions that must conform with and carry out the goals and policies of the certified coastal element.

INTRODUCTION

Role and Purpose of the Coastal Element

The purpose of the Huntington Beach Coastal Element is to meet the requirements of the Coastal Act and guide civic decisions regarding growth, development, enhancement and preservation of the City's Coastal Zone and its resources.

Coastal Element Adoption Process

The Huntington Beach Coastal Element was initially certified by the California Coastal Commission in 1985. Portions of the Element have been amended since, but no comprehensive updates have been undertaken until now. This Coastal Element represents a comprehensive update of the City's 1985 Coastal Element. The purpose of the update is to ensure consistency with the policies and format of the 1996 Huntington Beach General Plan and to incorporate revisions of the Coastal Act to date. The Huntington Beach Coastal Element update and adoption process involved the following sequence of tasks:

1. Background information, technical analysis and public input obtained during the 1996 Huntington Beach General Plan Update was used as the primary background information for the Coastal Element update.
2. The draft 1999 City of Huntington Beach Coastal Element was presented to the Planning Commission in a workshop format.
3. The draft 1999 City of Huntington Beach Coastal Element was circulated for a 30 day public review and comment period.
4. At the end of the 30 day review period, the draft 1999 Coastal Element was reviewed at public hearings before the Planning Commission who made recommendations to the City Council for final adoption.

5. The City Council reviewed the draft 1999 Coastal Element, along with Planning Commission recommendations, and took action to adopt the draft 1999 Coastal Element.
6. The City Council approved 1999 Coastal Element was forwarded to the California Coastal Commission for final certification.

Coastal Element Organization

This Coastal Element document is organized in the following manner, consistent with the other elements of the 1996 City of Huntington Beach General Plan.

- Section 1 - Statutory Requirements
- Section 2 - Introduction
- Section 3 - Technical Synopsis
- Section 4 - Issues
- Section 5 - Goals, Objectives and Policies

Goals: A statement of the ultimate purpose of an effort. General in nature and not necessarily quantifiable.

Objectives: A measurable goal.

Policies: A specific statement guiding actions and implying clear commitment.

- Section 6 - Implementation Programs

Implementation

Programs: Denotes actions, procedures, or techniques that carry out the General Plan policy through implementing a standard. Each policy is linked to a specific action oriented implementing program.

Implementation

Matrix: Denotes the responsible agency, funding sources, and schedule for implementing the program.

Relationship to Other Planning Documents

General Plan

The City of Huntington Beach General Plan is the fundamental policy document intended to guide development of the City over the next 20 years. It provides the framework for management and utilization of the City's physical, economic and human resources. General Plan policy addresses land use, the design/character of buildings and open spaces. It also addresses the conservation of existing housing and the provision of new dwelling units, the provision of supporting infrastructure and public services, the protection of environmental resources, the allocation of fiscal resources, and the protection of residents from natural and human-caused hazards. The General Plan is divided into chapters by subject matter. Each chapter contains

elements that address specific issue areas. The thirteen elements of the City of Huntington Beach General Plan include the following:

- **Land Use**
- **Urban Design**
- **Historic and Cultural Resources**
- **Economic Development**
- **Growth Management**
- **Housing**
- **Circulation**
- **Public Facilities and Services**
- **Recreation and Community Services**
- **Utilities**
- **Environmental Resources/Conservation**
- **Air Quality**
- **Coastal**

Prior to its implementation, the Coastal Element must be approved by the City Council then forwarded to the California Coastal Commission to be reviewed and “certified.” For this reason, the Coastal Element has been prepared as a “stand alone” document. It is consistent with the format and policy content of the other elements of the General Plan.

Local Coastal Program (LCP)

A Local Coastal Program consists of two parts:

- 1.) A coastal element including policies and a land use plan, and
- 2.) An implementation program with zoning ordinances, zoning district maps and other implementing actions.

The implementation portion of the LCP must be consistent with the goals and policies of the certified land use plan and must contain adequate measures to ensure their implementation. This document, the Coastal Element, constitutes Part 1 of 2 of the Huntington Beach Local Coastal Program.

Zoning Ordinance

The City’s Zoning Ordinance is the primary implementing measure of the Coastal Element. It sets forth regulations regarding land use, development review processes, and development standards for the entire City. The Zoning Ordinance is the Implementation Program, or Part 2 of the City’s Local Coastal Program.

Specific Plans

Specific plans are development regulation/zoning tools that may supplement or supersede the Zoning Ordinance in designated areas of the City. Specific plans allow for more customized development and design standards than conventional zoning provides. They are used in areas of the City where unique characteristics, features or issues exist, and where a comprehensive approach to planning, design and development is desired. The City’s Coastal Zone includes six specific plan areas. These areas are indicated on the Coastal Element Land Use Map (**Figures C-5 through C-9**) with an “-sp” overlay. The six areas are also listed below.

- Downtown
- Huntington Harbour Bay Club
- Holly Seacliff (a portion of)
- Seacliff
- Magnolia/Pacific
- Palm/Goldenwest

California Environmental Quality Act

In accordance with section 15265 of the California Environmental Quality Act, the preparation and adoption of Local Coastal Programs are exempt from environmental review. This does not imply that development projects that are consistent with the adopted Coastal Element are exempt from environmental analysis.

TECHNICAL SYNOPSIS

Coastal Zone Overview

The Coastal Act establishes policies for coastal resource preservation and defines an area where the policies shall apply. That defined area is known as the “Coastal Zone.” The Coastal Zone runs the length of the State’s shoreline from its Oregon border south to the Mexican border.

Huntington Beach is a shoreline community, a portion of which lies within the State’s defined Coastal Zone. The City’s Coastal Zone boundary runs from the northern City limit at Seal Beach, south nine miles to the Santa Ana River at the Huntington Beach/Newport Beach boundary. It extends inland from the mean high tide line from 1,000 yards to over one mile in some areas. The Huntington Beach Coastal Zone encompasses approximately five square miles of land and water, or about seventeen percent of the total area of the City. The Huntington Beach Coastal Zone boundary is shown in **Figure C-2**.

The Huntington Beach Coastal Zone includes a wide variety of land uses. Open shoreline, parks and recreational facilities, habitat areas, residential, commercial and industrial uses, as well as, energy and oil extraction facilities currently exist in the Coastal Zone. At the north end of the Coastal Zone is Huntington Harbour, a man-made residential marina with commercial centers and residences oriented toward the waterways. South of Huntington Harbour is the Bolsa Chica area which is presently undeveloped and unincorporated, but lies within the City’s Sphere of Influence for potential future annexation.

Further south, and adjacent to the Bolsa Chica, is a large undeveloped area of land, part of which is presently in oil production. The Seacliff residential development and golf course lie to the north. Next is the City’s downtown area, which over the last ten years has been transformed through re-development into the primary activity node in the City for both residents and visitors. The downtown area includes, among other things, the Municipal Pier and Plaza, destination resort facilities, and a wide variety of visitor serving amenities and activities. At the south end of the Coastal Zone, a major electrical power plant dominates the surrounding shoreline, while nearby, a large sewage treatment facility processes waste from throughout the County. These facilities are near restored coastal wetlands that serve as habitats for numerous wildlife species, including the endangered California least tern and Belding’s savanna sparrow.

The following paragraphs describe, in more detail, the City’s Coastal Zone; its existing land uses, proposed land use plan and coastal resources. For purposes of discussion, the Coastal Zone is divided into sub-zones. **Figure C-4** depicts the Coastal Zone and its five sub-areas. Figures C-5 through C-9 depict individual sub-areas and proposed land uses. Land use category definitions and listings of permitted uses and densities per land use category are provided in **Table C-1**. Section 4 provides an overview of the issues that must be addressed in the Coastal Zone to comply with Coastal Act policy. Section 5 provides specific policies that the City will follow in order to preserve and enhance its coastal resources and amenities, and Section 6 provides an overview of implementation actions and regulations to carry out the policies.

Sub-Area Descriptions and Land Use Plan

Zone 1 – Huntington Harbour

This area includes the City’s Coastal Zone between Warner Avenue and the northeastern City limits. (**Figure C-5.**)

Existing Land Uses

Inland (Pacific Coast Highway and areas north to the Coastal Zone boundary.)

Huntington Harbour is an 860 acre residential, man-made marina that occupies the majority of this zone. The Huntington Harbour development is primarily residential with approximately 4,000 residential units, including single family homes, condominiums and apartments all oriented around the three mile network of navigable channels. Zone 1 also includes three commercial centers (one neighborhood serving and two visitor serving) with retail services, overnight accommodations and eating establishments. Public facilities include seven neighborhood parks, a fire station and three boat ramps. A private yacht club and a private racquet club are also located here.

Coastal (Seaward of Pacific Coast Highway)

This portion of Zone 1, which includes Sunset Beach, does not lie within the City’s corporate limits and is, therefore, not a part of this Coastal Element.

Coastal Element Land Use Plan

Inland (Pacific Coast Highway and areas north to the Coastal Zone boundary.)

Zone 1 is primarily built out, consistent with Coastal Element Land Use Plan designations. The land uses permitted in this zone are summarized below and include residential, commercial and open space. This zone also includes Community District/Sub-areas 4A, 8A and 8B. The Community District and Sub-area Schedule shown in **Table C-2** further defines permitted uses, density/intensity and design and development standards.

Coastal (Seaward of Pacific Coast Highway)

The Coastal Element Land Use Plan does not address this area which is outside City limits.

ZONE 1 – LAND USE DESIGNATIONS	
RESIDENTIAL	RL 6.5, RL-7,RM-15, RMH-25, RH-30
COMMERCIAL	CG-F1, CV-F2-d, CN-F1
MIXED USE	M-sp
PUBLIC	P-OS-CR
OPEN SPACE	OS-P, OS-W
ZONE 1 – SPECIFIC PLAN AREAS	
Huntington Harbour Bay Club	
ZONE 1 – GENERAL PLAN OVERLAYS	
4A, 8A, 8B	

See Table C-1 for land use category definitions.

Zone 2 – Bolsa Chica

This area of the Coastal Zone extends between Warner Avenue to the City limits near the Huntington Beach Mesa bluffs. (Figure C-6.)

Existing Land Uses

Inland (Pacific Coast Highway and areas north to the Coastal Zone boundary.)

The majority of Zone 2, the Bolsa Chica, is located outside the City's corporate boundary, within the County of Orange. The area is in the City's Sphere of Influence for possible future annexation. Existing land uses in the Bolsa Chica area include vacant land, habitat preservation/wetland and oil production. Approximately 300 acres of residential area lie north of this area. Single family residential is the primary land use, with one three acre neighborhood park. The area between Warner Avenue and Los Patos Drive, west of the unincorporated area, includes approximately 27 acres of low density, single-family homes and two acres of medium density residences. A 44 acre area between Los Patos Drive and the Wintersburg Flood Control Channel is vacant and includes a small section of the Bolsa Chica bluffs.

Coastal (Seaward of Pacific Coast Highway.)

This area consists of the Bolsa Chica State Park Beach. The State Park includes open shoreline, parking facilities, restroom facilities and snack facilities.

Coastal Element Land Use Plan

Inland (Pacific Coast Highway and areas north to the Coastal Zone boundary.)

The Coastal Element does not present a land use plan for the Bolsa Chica. The land area north of the Bolsa Chica, within the City's corporate and Coastal Zone boundaries, is built out consistent with its Coastal Element designation of low density residential. The area west of the Bolsa Chica is also developed consistent with the Coastal Element Land Use designation of low density residential. The vacant 44 acre area next to the Wintersburg Flood Control Channel retains its existing designation as an "Area of Deferred Certification." Prior to development of the site, an amendment to the City's Local Coastal Program will be required, subject to Coastal Commission approval; the amendment would take effect upon Commission certification. Portions of this zone are included in the Community District/Sub-area Schedule as sub-areas 4G and 4J.

Coastal (Seaward of Pacific Coast Highway.)

The land within this area is designated as OS-S, Open Space-Shoreline with a 4J Design District Overlay.

ZONE 2 – LAND USE DESIGNATIONS	
RESIDENTIAL	RL-7
OPEN SPACE	OS-P, OS-S
PUBLIC	P
"White Hole"	Area of Deferred Certification
ZONE 2 – SPECIFIC PLAN AREAS	
None	
ZONE 2 – GENERAL PLAN OVERLAYS	
4G, 4J	

See Table C-I for land use category definitions.

Zone 3 – Eastern Bolsa Chica Boundary to Goldenwest

This area of the Coastal Zone extends from the City-County boundary near the Huntington Beach Mesa bluffs, south to Goldenwest Street. (**Figure C-7.**)

Existing Land Uses

Inland (Pacific Coast Highway and areas north to the Coastal Zone boundary.)

This sub-area includes one of the largest undeveloped areas in the Coastal Zone. The area consists of 150 contiguous acres bounded by Pacific Coast Highway to the south, Goldenwest Street to the east, Seapoint Avenue to the west, and Palm Avenue to the north. A four acre portion of the site also lies east of Seapoint Avenue. Of the 150 acres, 56 acres are presently owned by the PLC Land Company and 94 acres are owned by Aera Energy LLC. Previous oil and gas extraction activities on the 56 acre, PLC owned property have been abandoned and the site is presently vacant. The 94-acre area owned by Aera Energy LLC houses active oil and gas extraction facilities, including 126 oil wells, 55 above ground storage tanks, above and in ground pipelines, oil separation and related facilities, a gas plant and gas flare unit, two power substations and office facilities. On-site facilities extract oil and gas from onshore bases and State tidelands leases (offshore). Treated crude oil is stored at the facility and transferred off-site via pipeline. Treated natural gas is transferred to Southern California Gas Company via pipeline. According to the property owner, the extraction and processing activities are anticipated to remain in operation on the site another ten to twenty years.

Coastal (Seaward of Pacific Coast Highway.)

This area includes the Bolsa Chica State Park Beach. The State Park includes open shoreline, parking facilities, restroom facilities and snack facilities.

Coastal Element Land Use Plan

Inland (Pacific Coast Highway and areas north to the Coastal Zone boundary.)

The Coastal Element Land Use Plan designates the vacant 150 acre site for Mixed Use-Horizontal with a 0.5 floor area ratio, and a maximum residential density of 30 units per acre at sites within the project area for an overall maximum density of 15 dwelling units per acre. The site has a –sp suffix land use designation. The –sp suffix requires that a specific plan(s) be adopted prior to future development. The site is also designated as area 4B in the Coastal Element Community District and Sub-Area Schedule (**Table C-2**). Due to the site's large size and unique location, Coastal Element policy requires that a conceptual master plan of development be prepared for the entire site, prior to, or concurrent with individual specific plans. The purpose of the conceptual master plan is to ensure that ultimate development of the site is cohesive and compatible. Subsequent specific plans for the site are to be consistent with the conceptual master plan. The purpose of the specific plan(s) is to define project level development parameters consistent with the adopted conceptual master plan. Existing oil production facilities are permitted to continue. However, the Coastal Element Land Use Plan provides for an ultimate change in use on the site from oil production to mixed use, including residential, commercial, open space and civic/recreational uses.

The Coastal Element Land Use Plan for the remainder of Zone 3 designates the vacant bluff at the eastern edge of the Bolsa Chica as open space. It is intended to accommodate the proposed Harriett M. Wieder Regional Park. The private golf course area and neighborhood park are also designated as open space. The residential portion is designated as low, medium, medium high and high density residential, consistent with existing development.

Coastal (Seaward of Pacific Coast Highway)

The entire land area is designated as OS-S, Open Space-Shoreline.

ZONE 3 – LAND USE DESIGNATIONS	
RESIDENTIAL	RL-4, RL-7, RM-15, RMH-25, RH-30
MIXED USE	MH-F2/30 (AVG.15)-sp
OPEN SPACE	OS-P, OS-S, OS-CR
ZONE 3 – SPECIFIC PLAN AREAS	
Holly Seaciff Specific Plan, Palm/Goldenwest Specific Plan	
ZONE 3 – GENERAL PLAN OVERLAYS	
4B, 4J	

See Table C-1 for land use category definitions.

Zone 4 – Downtown

This portion of the Coastal Zone extends from Goldenwest Street south to Beach Boulevard. (Figure C-8.)

Existing Land Uses

Inland (Pacific Coast Highway and areas north to the Coastal Zone boundary.)

Zone 4 is known as the City's "Downtown." Existing land uses include recreational beach amenities, single and multi-family residential uses, and a rich variety of visitor serving commercial facilities that serve to make the area the primary activity node for visitors to the Coastal Zone. Within the Downtown area, project areas, with their own distinctive character and purpose, have been developed. Significant commercial project areas include Main Street, the Waterfront Development and a site known as "31 acres." Many of the commercial areas also integrate housing. However, the "Old Town" and "Town Lot" areas are the primary residential nodes in this area.

Main Street

Main Street runs north south from Pacific Coast Highway to Palm Avenue within the Coastal Zone. The Main Street "core area," where development is most concentrated, lies between Pacific Coast Highway and Orange Street. With the head of Main Street leading directly into the Municipal Pier, Main Street itself serves as an extension of the Pier for Coastal Zone visitors. Main Street and its environs have been developed as a mixed use, pedestrian oriented district, with visitor-serving commercial uses, integrated housing and upper story office uses.

The Waterfront

The Waterfront development area encompasses approximately 44 acres located at the northwest corner of Pacific Coast Highway and Beach Boulevard. The site presently includes a high rise hotel with ballroom and conference facilities. Planned uses for the remaining undeveloped portion include additional luxury hotel accommodations, conference facilities, specialty retail, spa facilities and a residential component. This area also includes a small wetlands which will be protected and conserved.

31 Acres

The “31 Acres” site is bounded by Pacific Coast Highway and Atlanta Street to the north, and Huntington and First Street to the east and west. This site is presently vacant but is planned for development with visitor serving commercial and high density residential uses.

Oldtown

The area inland from Lake Street and Atlanta Avenue is known as the Oldtown section of the City. This area is developed with a mix of single and multi-family residential uses.

Townlot

This area comprises approximately 17 blocks north of Walnut Avenue, east of Goldenwest Street, west of Sixth Street and south of Palm Avenue. Existing land uses in the area are primarily residential.

Coastal (Seaward of Pacific Coast Highway)

The seaward portion of this zone includes a high density residential development located northeast of the Pier on the sandy beach area. Also included in this sub-area are the Municipal Pier with restaurant uses and recreational fishing opportunities; the Pier Plaza located at the base of the Pier with public open space, an amphitheater and palm court; restaurant uses at the southwest base of the Pier, and Huntington Beach City Beach.

The Municipal Pier

The City’s Municipal Pier is located at the intersection of Main Street and Pacific Coast Highway and serves as the focal point of the City’s Coastal Zone. The Pier, which was re-built and opened in 1992, is 1,856 feet long, 30 feet wide and 38 feet above the mean low water level. It is constructed of reinforced concrete. It includes a variety of visitor serving and recreational amenities, including a restaurant, community access booth, lifeguard tower, restrooms and observation and recreational fishing platforms. Visitors can use the Pier to sight see, stroll, fish and/or dine. Proposed enhancements include a funicular/trolley system to transport pedestrians from the Plaza area to the end of the Pier and back. Coastal Element policy restricts the height of buildings on the pier to no more than 2 stories/35 feet and requires that the entire perimeter of the pier be retained for public access.

Pier Plaza

The Main Pier Plaza is located at the base of the Municipal Pier. It consists of more than eight acres of public space. The public plaza includes a palm court, a 230 seat amphitheater, a spectator area, accessways to the beach and lawn, restrooms and concessions, bicycle parking facilities and automobile parking. It also includes 18,000 square feet of visitor serving commercial uses (restaurants). Pier Plaza was designed as a community focal area where public speaking forums, surfing competitions, foot races, outdoor concerts and similar events are held.

Coastal Element Land Use Plan Designations

Inland (Pacific Coast Highway and areas north to the Coastal Zone boundary.)

Coastal Element land use designations for the inland portion of this sub-area include mixed use and medium and high density residential. The majority of the sub-area is covered by a specific plan overlay (The Downtown Specific Plan). The Main Street core is subject to the “pedestrian overlay” provisions in addition to the Downtown Specific Plan. Portions of the Community District and Sub-area Schedule apply to the area as well. (See Figure C-10 and Table C-2.)

Coastal (Seaward of Pacific Coast Highway)

The shoreline area, including the site that currently houses residential development, is designated as open space. The Municipal Pier and the area southwest of its base are designated for visitor serving commercial uses. With the exception of the residential use, development in the area is consistent with the Coastal Element Land Use Plan.

ZONE 4 – LAND USE DESIGNATIONS AND GENERAL PLAN OVERLAYS	
OLDTOWN	OS-P, RMH-25-d Design District 3B
TOWNLOT	RH-30-d-sp, MV-F8-d-sp Design Districts 3A, C and D Downtown Specific Plan
WATERFRONT	CV-F7-sp, RH-30-sp Design District 4d RM-15 Downtown Specific Plan
MAIN STREET/ENVIRONS	MH-F4/30-sp-pd, MV-F12-sp-pd, P, M-F11/25-sp-pd, MV-F6/25-sp-pd Design Districts 1A,B,C,D Downtown Specific Plan
31 ACRES	RH-30-sp, CV-F7-sp Design District 4C,I Downtown Specific Plan
PIER AND SHORELINE	CV-d, OS-S Design Districts 2, 4J Downtown Specific Plan

See Table C-1 for land use category definitions.

Zone 5 – Beach Boulevard to the Santa Ana River

This area of the Coastal Zone encompasses approximately 611 acres between Beach Boulevard and the Santa Ana River. **(Figure C-9.)**

Existing Land Uses

Inland (Pacific Coast Highway and areas north to the Coastal Zone boundary.)

Existing land uses within Zone 5 are extremely diverse and include environmentally sensitive habitat areas with restored wetlands. Nearby are oil production facilities, a regionally serving electric generating plant, a regionally serving sewage treatment plant, a toxic waste site included on the State Superfund list, a mobile home park and single family residences.

Coastal (Seaward of Pacific Coast Highway.)

The seaward portion of this Zone consists entirely of the Huntington State Beach Park, including parking facilities, restrooms, snack bars and the California least tern nesting sanctuary adjacent to the Santa Ana River outlet.

Coastal Element Land Use Plan Designations

Inland (Pacific Coast Highway and areas north to the Coastal Zone boundary.)

Permitted land uses for the inland portion of Zone 5 include open space-conservation, industrial/public uses, visitor serving commercial and medium density residential uses. The site located at the corner of Hamilton and Magnolia (which contains toxic waste and is presently on the State Superfund cleanup list) is subject to a specific plan overlay and development agreement. In addition, portions of Zone 5 are included in the Community District and Sub-area Schedule. Coastal Element policy provides for the electrical generating and sewage treatment plants to continue, the preservation and enhancement of the open space conservation areas that house wetlands and the nesting sanctuary, and the eventual development of visitor serving commercial on Pacific Coast Highway. All other existing uses are anticipated to remain, consistent with the Coastal Element Land Use Plan.

Coastal (Seaward of Pacific Coast Highway.)

The entire area seaward of Pacific Coast Highway is designated as Open Space-Shoreline with a 4J Design District overlay. Existing uses are consistent with the Coastal Element Land Use designations.

ZONE 5 – LAND USE DESIGNATIONS	
RESIDENTIAL	RL-7, RM-15, RM-15-sp
COMMERCIAL	CV, CG
OPEN SPACE	OS-C, OS-S
PUBLIC	P
INDUSTRIAL	I-F2-d
ZONE 5 – SPECIFIC PLAN AREAS	
Magnolia/Pacific Specific Plan	
ZONE 5 – GENERAL PLAN OVERLAYS	
4E,F,G,H,J 9F	

See Table C-1 for land use category definitions.



RESIDENTIAL

- LOW DENSITY (0.7-9 DU AC)
- MEDIUM DENSITY (8.0 TO 19.9 DU AC)
- HIGH DENSITY (20.0+ DU AC)
- MOBILE HOME PARK

COMMERCIAL

- REGIONAL RETAIL CENTER
- RETAIL SERVICES MISCELLANEOUS COMMERCIAL
- OVERNIGHT ACCOMODATIONS
- DINING DRINKING ENTERTAINMENT
- OFFICE FINANCIAL
- MULTI TENANT CENTER

MIXED-USE

- MIXED-USE (USES IDENTIFIED BY MIX OF COLORS)

INDUSTRIAL

- LIGHT INDUSTRIAL BUSINESS PARK
- HEAVY MANUFACTURING WAREHOUSE AND STORAGE YARDS
- OIL PRODUCTION

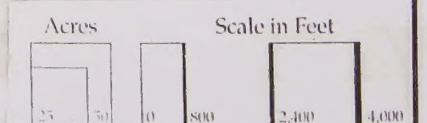
PUBLIC

- PUBLIC SCHOOLS
- PARKS AND RECREATION
- GOVERNMENT OTHER
- UTILITIES

OTHER

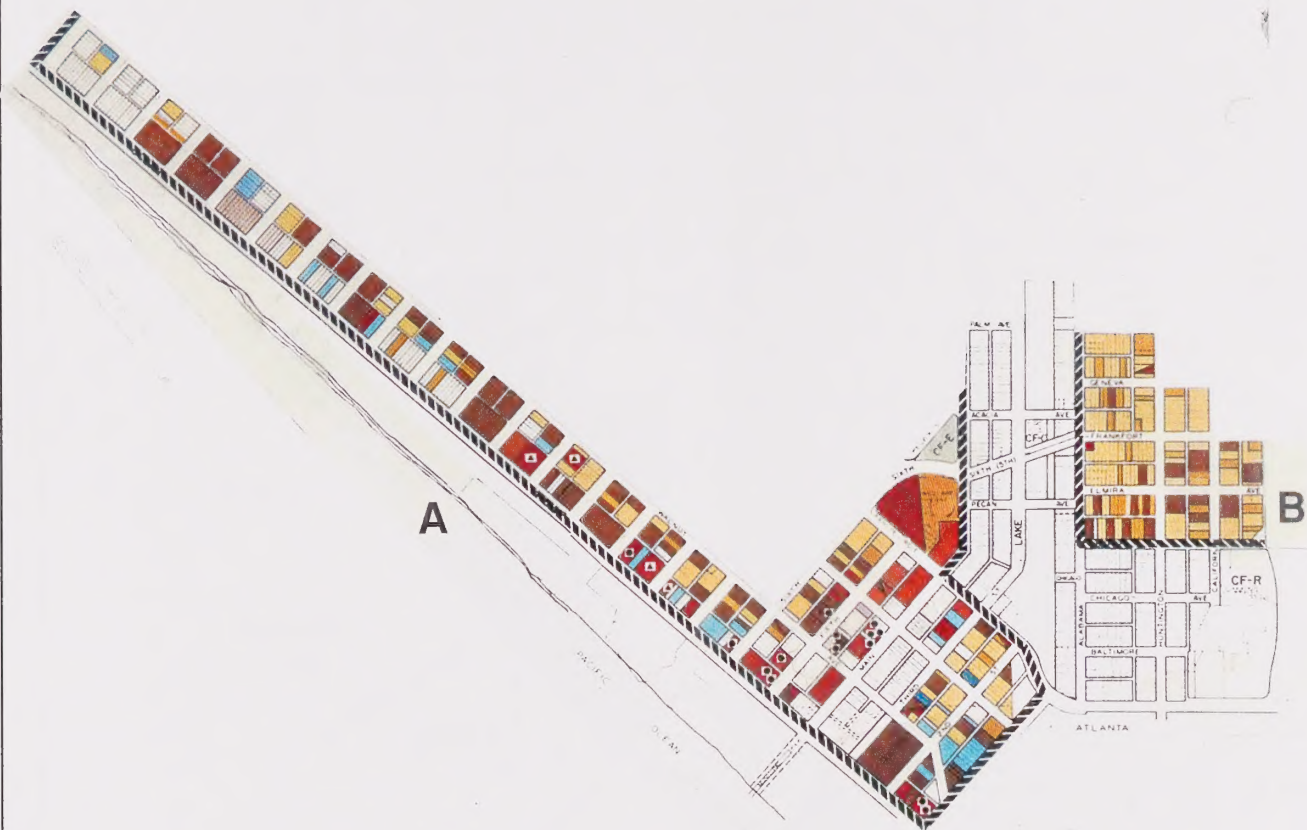
- INSTITUTIONAL
- OPEN SPACE
- AGRICULTURE
- HARBOR
- HABITAT PRESERVATION
- VACANT

CITY BOUNDARY



EXISTING HUNTINGTON BEACH COASTAL ZONE LAND USE
AS SURVEYED IN 1991

City of Huntington Beach Coastal Element



LEGEND

RESIDENTIAL

- LOW DENSITY (0.79 DU/AC)
- MEDIUM DENSITY (6.0 TO 15.9 DU/AC)
- HIGH DENSITY (20.0+ DU/AC)
- MOBILE HOME PARK

COMMERCIAL

- REGIONAL RETAIL CENTER
- RETAIL SERVICES / MISCELLANEOUS COMMERCIAL
- OVERNIGHT ACCOMMODATIONS
- DINING / DRINKING / ENTERTAINMENT
- OFFICE / FINANCIAL
- MULTI-TENANT CENTER

MIXED USE

- MIXED USE (USES IDENTIFIED BY MIX OF COLORS)

INDUSTRIAL

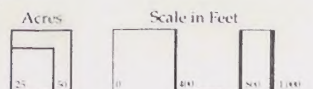
- LIGHT INDUSTRIAL / BUSINESS PARK
- HEAVY MANUFACTURING / WAREHOUSE AND STORAGE YARDS
- OIL PRODUCTION

PUBLIC

- PUBLIC SCHOOLS
- PARKS AND RECREATION
- GOVERNMENT / OTHER
- UTILITIES

OTHER

- INSTITUTIONAL
- OPEN SPACE
- AGRICULTURE
- HARBOR
- HABITAT PRESERVATION
- VACANT

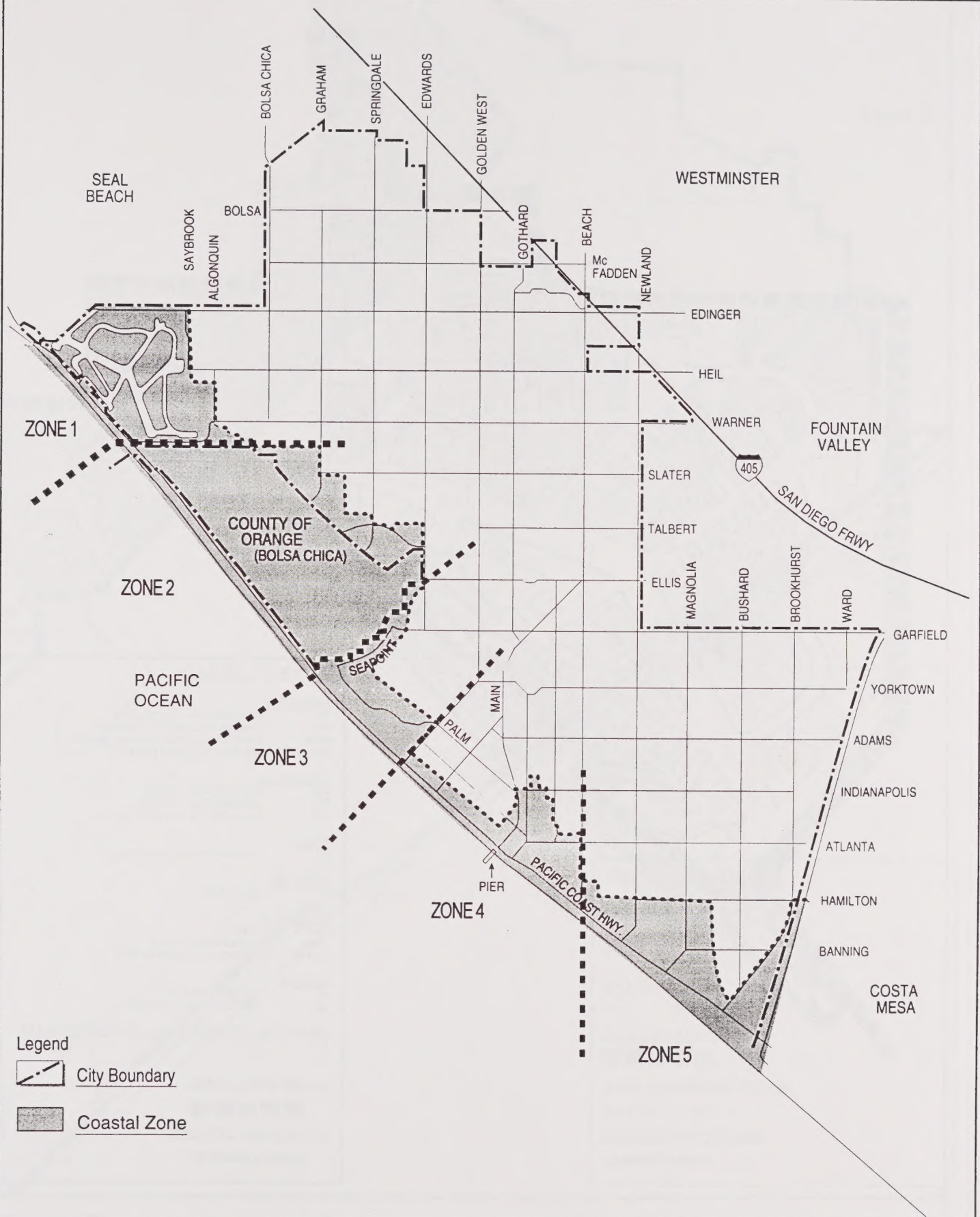


EXISTING HUNTINGTON BEACH COASTAL ZONE LAND USE AS SURVEYED IN 1991

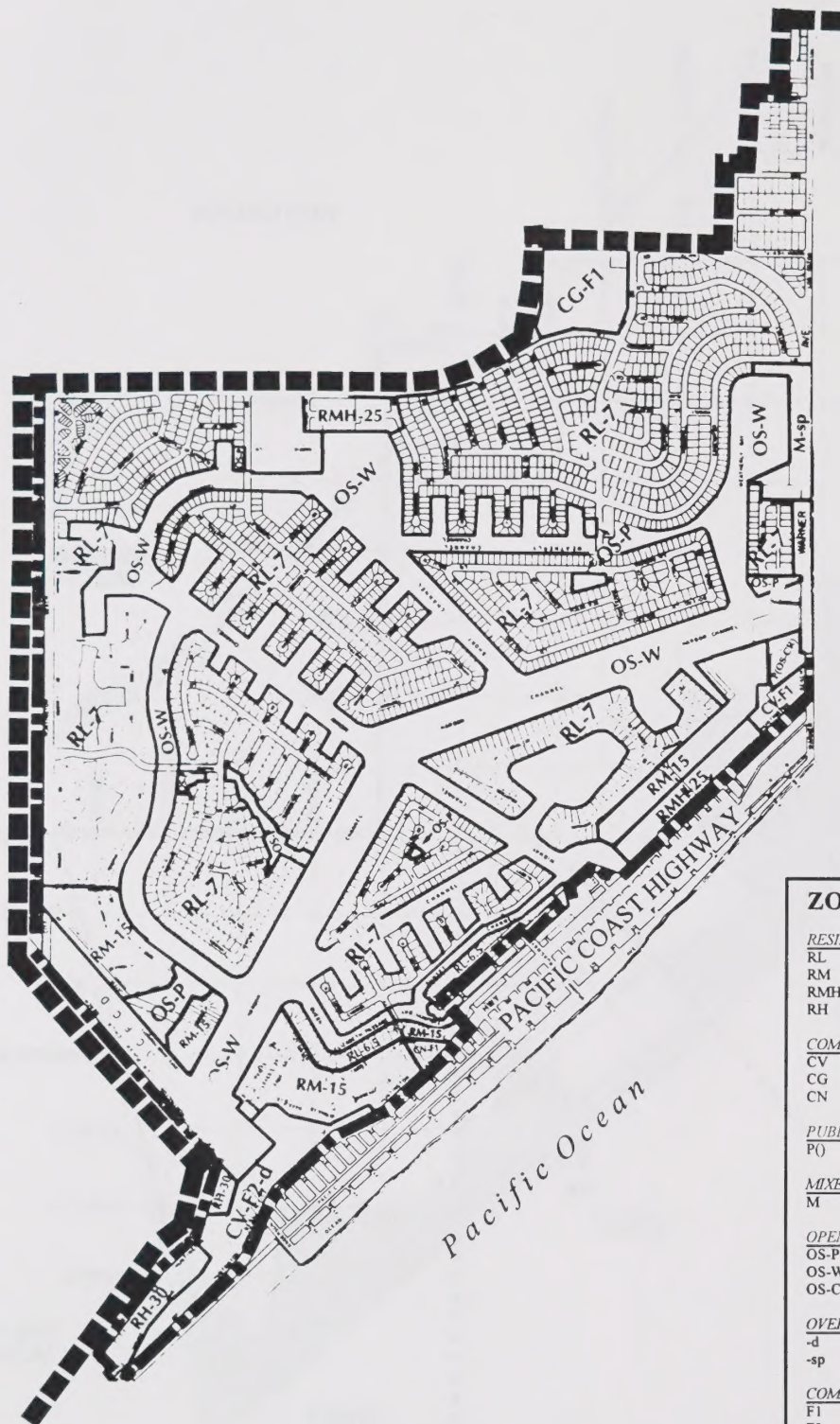
CITY OF HUNTINGTON BEACH COASTAL ELEMENT



FIGURE C-3a



COASTAL ZONE DIVISIONS
CITY OF HUNTINGTON BEACH COASTAL ELEMENT



Zone 2

ZONE 1 LEGEND

RESIDENTIAL

- RL RESIDENTIAL LOW DENSITY
- RM RESIDENTIAL MEDIUM DENSITY
- RMH RESIDENTIAL MEDIUM HIGH DENSITY
- RH RESIDENTIAL HIGH DENSITY

COMMERCIAL

- CV COMMERCIAL VISITOR
- CG COMMERCIAL GENERAL
- CN COMMERCIAL NEIGHBORHOOD

PUBLIC

- P() PUBLIC (underlying designation)

MIXED USE

- M MIXED USE

OPEN SPACE

- OS-P PARK
- OS-W WATER RECREATION
- OS-CR COMMERCIAL RECREATION

OVERLAY

- d DESIGN OVERLAY
- sp SPECIFIC PLAN OVERLAY

COMMERCIAL, INDUSTRIAL, MIXED USE DENSITY SCHEDULE

- F1 0.35
- F2 0.5

COASTAL ZONE BOUNDARY



HUNTINGTON BEACH CITY LIMITS



HUNTINGTON BEACH COASTAL ZONE ZONE 1 LAND USE PLAN

CITY OF HUNTINGTON BEACH COASTAL ELEMENT

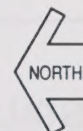
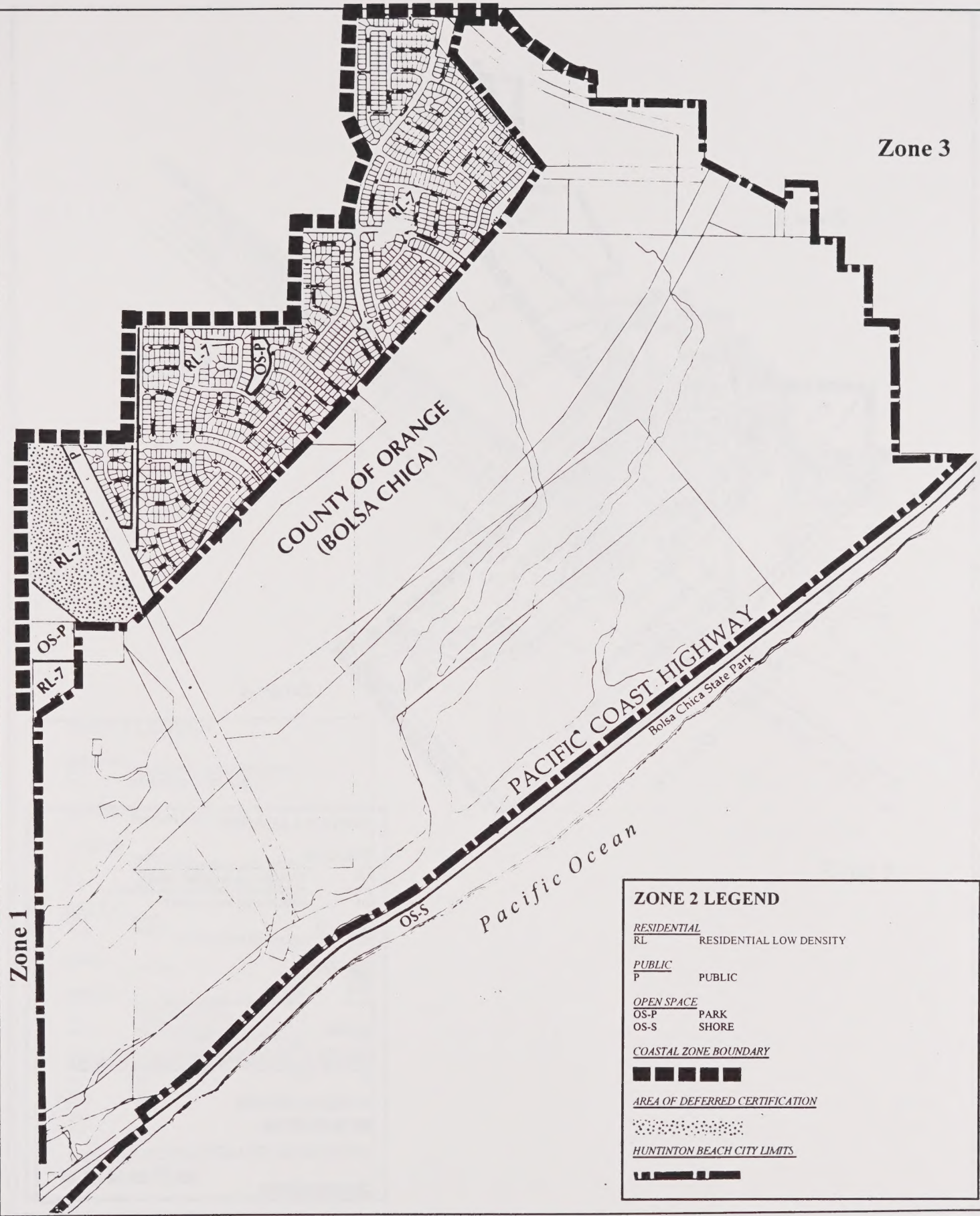


FIGURE C-5



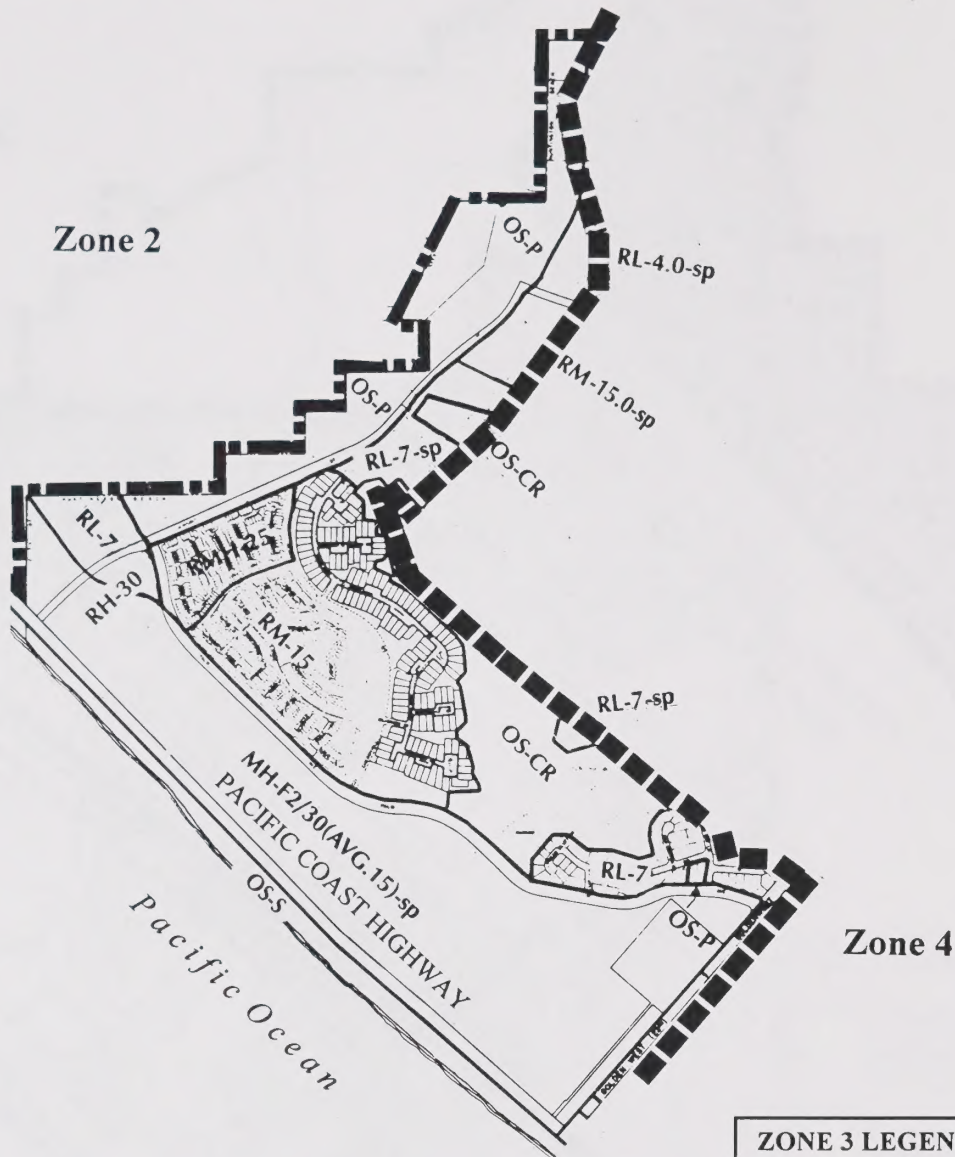
ZONE 2 LEGEND

- RESIDENTIAL
 RL RESIDENTIAL LOW DENSITY
- PUBLIC
 P PUBLIC
- OPEN SPACE
 OS-P PARK
 OS-S SHORE
- COASTAL ZONE BOUNDARY
 [Thick dashed line symbol]
- AREA OF DEFERRED CERTIFICATION
 [Dotted pattern symbol]
- HUNTINGTON BEACH CITY LIMITS
 [Thick solid line symbol]

HUNTINGTON BEACH COASTAL ZONE ZONE 2 LAND USE PLAN

CITY OF HUNTINGTON BEACH COASTAL ELEMENT





ZONE 3 LEGEND

RESIDENTIAL

RL	RESIDENTIAL LOW DENSITY
RM	RESIDENTIAL MEDIUM DENSITY
RMH	RESIDENTIAL MEDIUM HIGH DENSITY
RH	RESIDENTIAL HIGH DENSITY

MIXED USE

MH	MIXED USE HORIZONTAL
----	----------------------

OPEN SPACE

OS-P	PARK
OS-S	SHORE
OS-CR	COMMERCIAL RECREATION

OVERLAY

-sp	SPECIFIC PLAN OVERLAY
-----	-----------------------

<u>COMMERCIAL, INDUSTRIAL, MIXED USE DENSITY SCHEDULE</u>	
F2	0.5

COASTAL ZONE BOUNDARY



HUNTINGTON BEACH CITY LIMITS

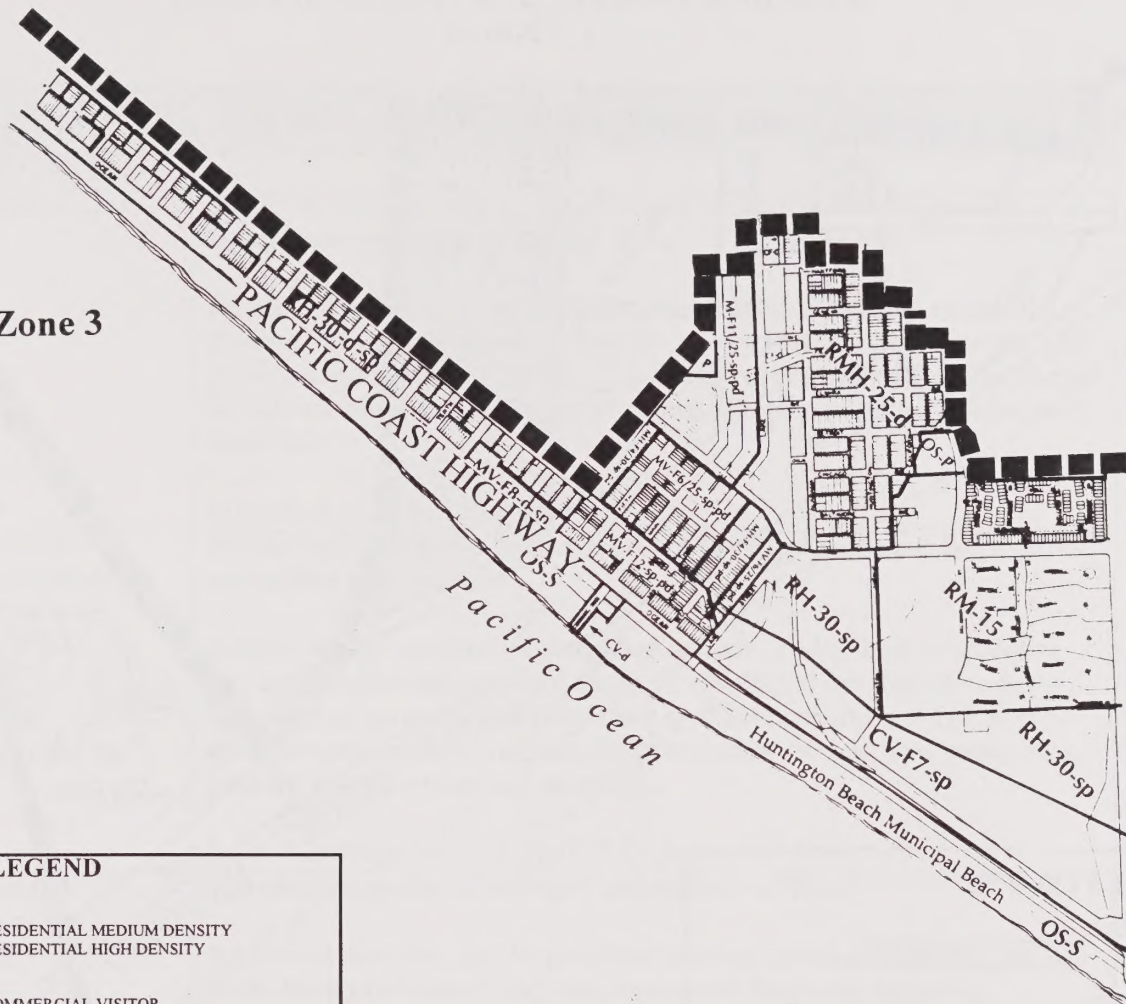


HUNTINGTON BEACH COASTAL ZONE ZONE 3 LAND USE PLAN

CITY OF HUNTINGTON BEACH COASTAL ELEMENT



Zone 3



Zone 5

ZONE 4 LEGEND

RESIDENTIAL

RM RESIDENTIAL MEDIUM DENSITY
RH RESIDENTIAL HIGH DENSITY

COMMERCIAL

CV COMMERCIAL VISITOR

MIXED USE

M MIXED USE
MH MIXED USE HORIZONTAL
MV MIXED USE VERTICAL

OPEN SPACE

OS-P PARK
OS-S SHORE

PUBLIC

P PUBLIC

OVERLAY

-d DESIGN OVERLAY
-pd PEDESTRIAN OVERLAY
-sp SPECIFIC PLAN OVERLAY

COMMERCIAL, INDUSTRIAL, MIXED USE DENSITY SCHEDULE

F4	1.25
F6	2.0
F7	3.0
F8	1.5
F11	2.0
F12	3.0

COASTAL ZONE BOUNDARY



HUNTINGTON BEACH COASTAL ZONE ZONE 4 LAND USE PLAN

CITY OF HUNTINGTON BEACH COASTAL ELEMENT

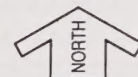
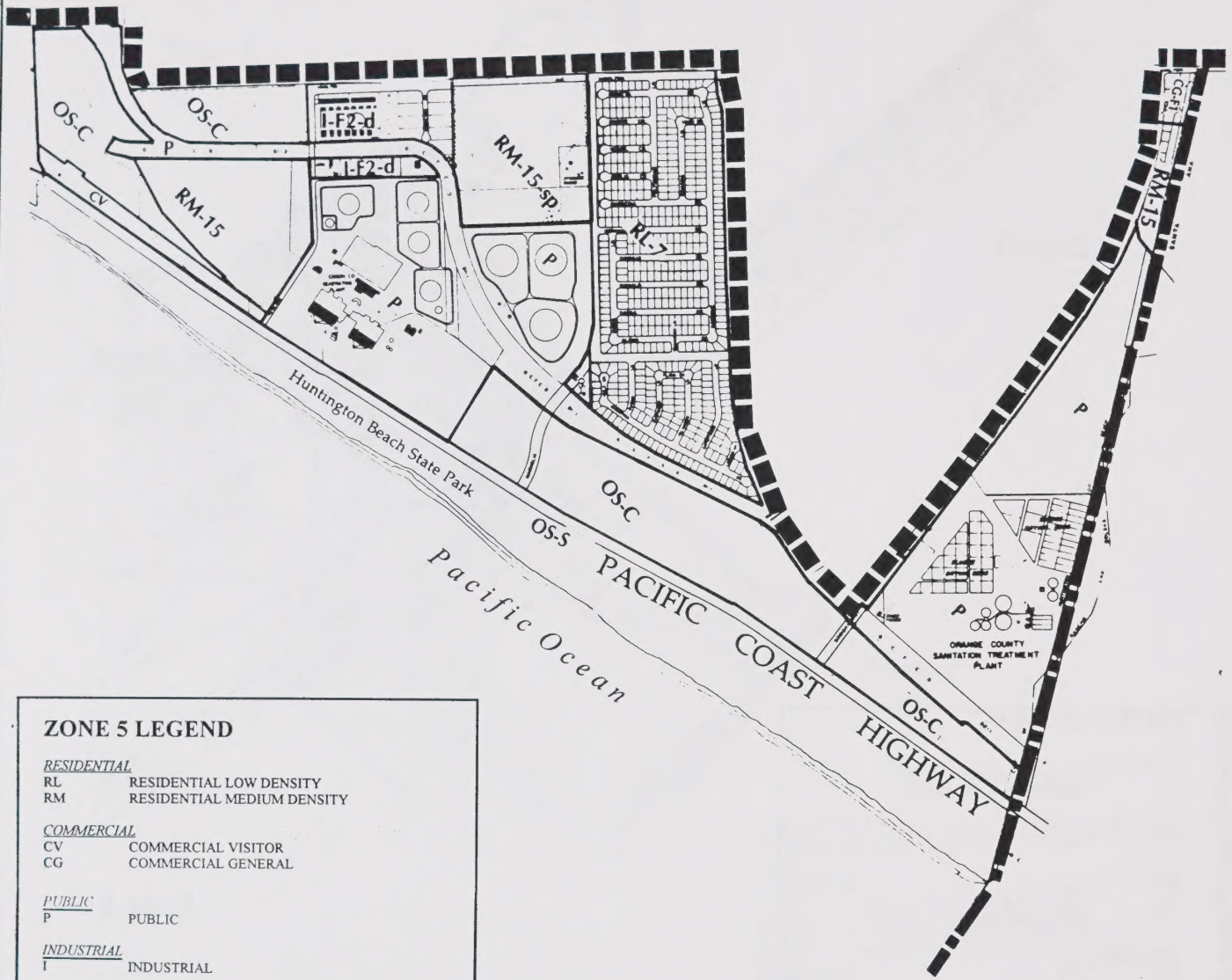


FIGURE C-8



ZONE 5 LEGEND

RESIDENTIAL

RL RESIDENTIAL LOW DENSITY
RM RESIDENTIAL MEDIUM DENSITY

COMMERCIAL

CV COMMERCIAL VISITOR
CG COMMERCIAL GENERAL

PUBLIC

P PUBLIC

INDUSTRIAL

I INDUSTRIAL

OPEN SPACE

OS-C CONSERVATION/WETLAND
OS-S SHORE

OVERLAY

-d DESIGN OVERLAY
-sp SPECIFIC PLAN OVERLAY

COMMERCIAL, INDUSTRIAL, MIXED USE DENSITY SCHEDULE

F2 0.5

COASTAL ZONE BOUNDARY



HUNTINGTON BEACH CITY LIMITS



HUNTINGTON BEACH COASTAL ZONE ZONE 5 LAND USE PLAN

CITY OF HUNTINGTON BEACH COASTAL ELEMENT

NORTH
FIGURE C-9

**COASTAL ELEMENT LAND USE PLAN
LAND USE, DENSITY AND OVERLAY SCHEDULE
TABLE C-1**

LAND USE CATEGORY	TYPICAL PERMITTED USES
RESIDENTIAL	
Residential Low (RL)	Single family residential units; clustered zero-lot line developments; mobile home parks, and “granny” flats. Additional uses that may be permitted include: multi-family residential, daycare, residential treatment facilities, parks, horticulture, nurseries, and public and semipublic facilities. Temporary uses that may be permitted include commercial filming, real estate sales, personal property sales and street fairs. Maximum of 7 Units Per Net Acre
Residential Medium (RM)	Single family residential units, duplexes, townhomes, mobile home parks, and garden apartments. Additional uses that may be permitted include: multi-family residential, day care, residential treatment facilities, residential care facilities, parks, horticulture, nurseries, and public and semipublic facilities. Temporary uses that may be permitted include: commercial filming, real estate sales, personal property sales and street fairs. From 7 Units to a maximum of 15 Units Per Net Acre
Residential Medium High (RMH)	Townhomes, garden apartments, and apartment “flats.” Additional uses that may be permitted include: group residential, multi-family residential, day care, residential treatment facilities, residential care facilities, parks, horticulture, nurseries, bed and breakfast inns, and public and semipublic facilities. Temporary uses that may be permitted include commercial filming, real estate sales, personal property sales and street fairs. From 15 Units to a maximum of 30 Units Per Net Acre
Residential High (RH)	Townhomes, mobile home parks, garden apartments, and apartments. Additional uses that may be permitted include: group residential, multi-family residential, day care, residential treatment facilities, residential care facilities, parks, horticulture, nurseries, bed and breakfast inns, and public and semipublic facilities. Temporary uses that may be permitted include commercial filming, real estate sales, personal property sales and street fairs. Greater than 30 Units Per Net Acre

**COASTAL ELEMENT LAND USE PLAN
LAND USE, DENSITY AND OVERLAY SCHEDULE
TABLE C-1 (Continued)**

LAND USE CATEGORY	TYPICAL PERMITTED USES
COMMERCIAL	
Commercial Neighborhood (CN)	Small-scale retail commercial, professional offices, eating and drinking establishments, household goods, food sales, drug stores, personal services, cultural facilities, institutional, health, government offices and similar uses. Generally, individual establishments should not exceed 10,000 square feet. If feasible, their frontage should be designed to convey the visual character of small storefronts. The Commercial Neighborhood (CN) designation shall utilize the standards of the General Commercial District (CG) of the Zoning Code for implementation.
Commercial General (CG)	Retail commercial, professional offices, eating and drinking establishments, household goods, food sales, drugstores, building materials and supplies, personal services, recreational commercial, overnight accommodations, cultural facilities, government offices, educational, health, institutional and similar uses.
Commercial Visitor (CV)	Hotels/motels, restaurants, recreation-related retail sales, cultural uses (e.g., museums) and similar uses oriented to coastal and other visitors to the City. Marine related development such as marinas, retail marine sales, boat rentals, and boat storage which are coastal dependent developments shall have priority over any other type of development (consistent with resource protection) on or near the shoreline.
INDUSTRIAL	
Industrial (I)	Light manufacturing, energy production, resource production, research and development, warehousing, business parks and professional offices, supporting retail, financial, restaurants and similar uses. Warehouse and sales outlets. Marine related activities such as boat construction and dry boat storage. Coastal dependent development shall have priority over any other type of development (consistent with resource protection) on or near the shoreline.
PUBLIC INSTITUTIONAL	
Public (P)	Governmental administrative and related facilities, such as public utilities, schools, libraries, museums, public parking lots, infrastructure, religious and similar uses.

**COASTAL ELEMENT LAND USE PLAN
LAND USE, DENSITY AND OVERLAY SCHEDULE
TABLE C-1 (Continued)**

LAND USE CATEGORY	TYPICAL PERMITTED USES
MIXED USE	
Mixed Use (M)	▪ Mixed use areas that may include Vertically Integrated Housing (MV) or Horizontally Integrated Housing (MH) uses, townhomes, garden apartments, and mid-/high-rise apartments, Commercial Visitor (CV) Neighborhood (CN) and Commercial General (CG) uses. ▪ Mixed use development in the coastal zone will focus on providing visitor serving commercial opportunities along the inland side of Pacific Coast Highway and within the Downtown Specific Plan Area. ▪ The exact density, location and mix of uses in this category shall be governed by a Specific Plan (“-sp”) to allow greater design flexibility and to address the uniqueness of a particular area.
Mixed Use- Vertically Integrated Housing (MV)	▪ Single use structures containing Neighborhood (CN), Commercial Visitor (CV) and Commercial General (CG) uses as listed above. ▪ Mixed use development in the coastal zone will focus on providing visitor serving commercial opportunities along the inland side of Pacific Coast Highway and within the Downtown Specific Plan Area. The ground floor shall be reserved for visitor serving commercial uses which provide goods and services directly to the public. Office, professional, residential, and other commercial uses may be allowed on the second floor or above. ▪ The exact density, location and mix of uses in this category shall be governed by a Specific Plan (“-sp”) to allow greater design flexibility and to address the uniqueness of a particular area.
Mixed Use – Horizontally Integrated Housing (MH)	▪ Single use structures containing Neighborhood (CN) and Commercial General (CG) uses as listed above. ▪ Visitor serving commercial uses (as permitted by Commercial Visitor (“CV”) land use category. ▪ Multi-family residential, including townhomes, garden apartments, and mid-/high-rise apartments. ▪ (Each use is limited to a portion of the total designated site, as prescribed by policy in the element.) ▪ Mixed use development in the coastal zone will focus on providing visitor serving commercial opportunities along the inland side of Pacific Coast Highway and within the Downtown Specific Plan Area. ▪ The exact density, location and mix of uses in this category shall be governed by a Specific Plan (“-sp”) to allow greater design flexibility and to address the uniqueness of a particular area.

**COASTAL ELEMENT LAND USE PLAN
LAND USE, DENSITY AND OVERLAY SCHEDULE
TABLE C-1 (Continued)**

LAND USE CATEGORY	TYPICAL PERMITTED USES
OPEN SPACE	
Parks (OS-P)	Public parks and recreational facilities, which provide activities such as, but not limited to: picnic and observation areas, nature trails, peripheral bike paths, tot-lots, play fields, informational signs and/or displays. Ancillary development may include buildings such as maintenance equipment storage, restrooms, nature centers, concession stands, and parking.
Shoreline (OS-S)	Publicly owned coastal beaches. Ancillary development may be permitted, such as food stands, parking lots, bathrooms, and recreation equipment rentals. Ancillary development must be designed and sited to minimize encroachment onto sandy beach. Additionally ancillary development shall be sited such that it shall not need to be protected through any protective structure throughout its economic life.
Commercial Recreation (OS-CR)	Publicly or privately owned commercial recreation facilities such as golf courses, stables, campgrounds, tennis courts, athletic fields, and boating clubs.
Conservation (OS-C)	Properties to be retained for environmental and visual resource conservation and management purposes (e.g., wetlands and ESHA protection). Ancillary activities and buildings may be permitted in locations on the property not possessing wetland or environmentally sensitive habitat, provided that the buildings and ancillary development and use are sited and designed to prevent impacts which would significantly degrade any adjacent wetland or environmentally sensitive habitat areas, consistent with Coastal Act provisions (Sections 30233 and 30240). Ancillary activities include low intensity activities which provide public access and passive recreational use, so long as the resources being protected are not impaired. Such activities could include picnic and observation areas, nature trails, peripheral bike paths, informational signs or displays, and peripheral parking areas. Ancillary buildings would include buildings such as maintenance equipment storage, restroom, and nature centers.
Water Recreation (OS-W)	Lakes and other water bodies used for recreational purposes, such as boating, swimming, and water skiing.

**COASTAL ELEMENT LAND USE PLAN
LAND USE, DENSITY AND OVERLAY SCHEDULE
TABLE C-1 (continued)**

DENSITY CATEGORY	MAXIMUM PERMITTED DENSITY/INTENSITY
Residential	Residential densities indicate the maximum density which may be permitted on a site. The actual development density may be reduced to account for site conditions and constraints.
4.0	Maximum of 4.0 dwelling units per net acre.
7.0	Maximum of 7.0 dwelling units per net acre.
15	Maximum of 15 dwelling units per net acre.
25	Maximum of 25 dwelling units per net acre.
>30	Greater than 30 dwelling units per net acre.
Commercial and Industrial	Commercial and industrial intensities indicate the maximum floor area ratio (FAR) which may be permitted on a site. The actual development intensity may be reduced to account for site conditions and constraints. FAR represents the total building area (floor space, excluding basements, balconies, and stair bulkheads) on a lot divided by the total area of the lot. (Note: commercial FARs exceeding 0.4 normally necessitate subterranean or subterranean parking to provide adequate space to meet code required parking.)
-F1	Maximum floor area ratio of 0.35
-F2	Maximum floor area ratio of 0.5
-F2A	Maximum floor area ratio of 0.75
-F3	Maximum floor area ratio of 1.0
-F4	Maximum floor area ratio of 1.25
-F5	Maximum floor area ratio of 1.5
-F6	Maximum floor area ratio of 2.0
-F7	Maximum floor area ratio of 3.0

**COASTAL ELEMENT LAND USE PLAN
LAND USE, DENSITY AND OVERLAY SCHEDULE
TABLE C-1 (continued)**

DENSITY CATEGORY	MAXIMUM PERMITTED DENSITY/INTENSITY
Mixed Use-Vertical Integration	The intensities/densities of structures vertically-integrating housing and commercial uses shall be determined by a combination of FAR and units per net acre. Each Mixed Use site shall be limited by a total building area FAR, a commercial area FAR, and a residential density. The cumulative total of commercial area FAR and residential density cannot exceed the total building area FAR.
-F8	Maximum total building area floor area ratio of 1.5, commercial FAR of 0.35, and 25 units per net acre.
-F9	Maximum total building area floor area ratio of 1.5, commercial FAR of 0.5, and 25 units per net acre.
-F10	Maximum total building area floor area ratio of 1.5; structure may be fully developed with commercial uses, or combined with housing at a maximum density of 25 units per net acre.
-F11	Maximum total building area floor area ratio of 2.0; structure may be fully developed with commercial uses, or combined with housing at a maximum density of 25 units per net acre.
-F12	Maximum total building area floor area ratio of 3.0 structure may be fully developed with commercial uses, or combined with housing at a maximum density of 30 units per net acre.
-F13	Maximum total building area floor area ratio of 1.5; structure may be fully developed with commercial uses, or combined with housing at a maximum density of 15 units per net acre.
Mixed Use-Horizontal Integration	The densities/intensities of commercial and residential uses are indicated by a FAR for the commercial portion of the site and units per acre for the residential portion of the site. Site areas allocated for each use are specified in the policies contained in this element.
	Maximum floor area ratio and units per net acre as indicated for each zone on the Coastal Element Land Use Plan.

**COASTAL ELEMENT LAND USE PLAN
LAND USE, DENSITY AND OVERLAY SCHEDULE
TABLE C-1 (continued)**

OVERLAY CATEGORY	CHARACTERISTICS/REQUIREMENTS
Specific Plan –sp	Permits underlying land uses and requires that a Specific or Development plan be formulated for large scale, mixed-use multi-phased development projects which provides greater specificity for land use and infrastructure plans, design and development standards, and phasing/implementation. Any portion of a new or amended Specific Plan within the coastal zone must be submitted to the Coastal Commission as an amendment to the City's certified local coastal program and shall not become effective until certified by the Coastal Commission.
Pedestrian District -pd	Permits underlying land uses and requires conformance to land use (restrictions on non-pedestrian active uses) and design standards (e.g., siting of building frontages) to ensure high levels of pedestrian activity along the street frontage.
Historic District -h	Permits re-use of existing historic structures for the underlying land uses provided that the re-use is consistent with the standards and policies of this LCP.
Residential Mobile Home Park –rmp	Permits the density of an existing mobile home park, located within a residential low density designation, to exceed the underlying density of seven (7) units per acre. The maximum density of the mobile home park shall not exceed the existing density of the mobile home park.
Special Design Standards –d	Permits underlying land uses in accordance with special design standards provided that the special design standards are consistent with the standards and policies of this LCP.

**COMMUNITY DISTRICT AND SUBAREA SCHEDULE
TABLE C-2**

Subarea	Characteristic	Standards and Principles
1 Downtown (cumulative)	Area wide Functional Role	Maintain the City's downtown as a principal focal point of community identity, containing a mix of community-serving and visitor-serving commercial uses, housing, and cultural facilities. Development should achieve a pedestrian-oriented, "village-like" environment that physically and visually relates to the adjacent shoreline.
1A Main Street/ PCH "Core"	Permitted Uses	Category: Mixed Use-Vertical Integration of Housing ("MV") Uses permitted by the "CG" and "CV" land use categories), shared parking facilities, and mixed-use structures vertically-integrating housing with commercial uses.
	Density/Intensity	Category: "-FI2" Height: three (3) stories for buildings occupying less than a full block; four (4) stories for full block structures
	Design and Development	Categories: Specific Plan ("-sp") and Pedestrian District ("-pd") - Requires the preparation of a Specific Plan. - Development must be designed and sited to establish a pedestrian-oriented character. - Maintain and expand streetscape amenities. - Establish an unified architectural character and highly articulated facades. - Require vertical setbacks of upper stories. - Emphasize design elements that maintain viewsheds of the shoreline and Pier. - Encourage the preservation of historical structures. - Establish linkages (walkways) to adjacent streets; providing connectivity of public open spaces and plazas.
1B Main Street/ Olive "Core"	Permitted Uses	Category: Mixed Use-Vertical Integration of Housing ("MV") Same uses as Subarea 1A.
	Density/Intensity	Category: "-F6/25" Height: three (3) stories for buildings occupying less than a full block; four (4) stories for full block structures
	Design and Development	Categories: Specific Plan ("-sp") and Pedestrian District ("-pd") Same as Subarea 1 , except standard for shoreline viewshed.

**COMMUNITY DISTRICT AND SUBAREA SCHEDULE
TABLE C-2 (continued)**

Subarea	Characteristic	Standards and Principles
1C Abutting Downtown "Core"	Permitted Uses	Category: Mixed Use-Horizontal Integration of Housing ("MH") Professional offices, supporting retail commercial, restaurants, cultural, and civic (as permitted in "CO" land use category) shared parking facilities, and free-standing multi-family residential.
	Density/Intensity	Category: "-F4/30" Height: three (3) stories
	Design and Development	Categories: Specific Plan ("-sp") and Pedestrian District ("-pd") - Requires the preparation of a Specific Plan. - Buildings should be sited and designed to facilitate pedestrian activity. - Establish an unified architectural character and highly articulated facades. - Require vertical setbacks above the second story. - Require that the scale and massing of structures be consistent with the downtown character and as a transition to adjacent residential neighborhoods. - Provide linkages with the Main Street/PCH "cores" (Subareas 1A and 1B)
1D Main Street, North of Orange	Permitted Uses	Category: Mixed Use ("M") Uses permitted in Commercial General ("CG") and Commercial Neighborhood ("CN") land use categories, cultural and civic, mixed use structures vertically-integrating housing and commercial, and free-standing multi-family housing. Uses that conflict with residential units should be excluded.
	Density/Intensity	Category: "-F11/25" Height: three (3) stories for buildings occupying less than a full block; four (4) stories for full block structures
	Design and Development	Same as Subarea 1C

**COMMUNITY DISTRICT AND SUBAREA SCHEDULE
TABLE C-2 (continued)**

Subarea	Characteristic	Standards and Principles
2 Pier	Functional Role	Maintain the Huntington Beach Pier and adjacent properties for beach-related recreational purposes, emphasizing its identity as a coastal and cultural amenity.
	Permitted Uses	Category: Commercial Visitor ("CV") Visitor-serving commercial (surf, bicycle and skate rentals, bait and tackle shops, etc.), restaurants/cafes, beach-related cultural facilities, and parking lots.
	Density/Intensity	• Pier: limit development to be compatible with the recreational role of the Pier • Shoreline: limit development to the existing Maxwell's building "footprint" • Height: two (2) stories; maximum 35 feet
	Design and Development	Category: Specific Plan ("-sp") and Special Design District ("-d") • Design structures to reflect its beachfront location. • Establish a unifying architectural character for all structures. • Maintain public view of the ocean. • Maintain public access around the entire perimeter of the pier. • Emphasize the Huntington Beach Pier as a community landmark. • Facilitate pedestrian access. • Link the Pier to the Main Street Downtown "Core" (Subarea 1A).
3 "Old Town"	Area wide Functional Role	Maintain the "Old Town" residential area as a distinct neighborhood of the City, incorporating local-serving commercial and community "focal" points to enhance its "village" character. The single family character of the small lot subdivisions shall be maintained.
3A PCH Frontage	Permitted Uses	Category: Residential High ("RH")
	Density	Category: "-30"
	Design and Development	Category: Specific Plan ("-sp") • Design multi-family units to convey the visual character of single family units and incorporate extensive mass and facade modulation and articulation. • Site and design development to maintain public views of the coast from public places.

**COMMUNITY DISTRICT AND SUBAREA SCHEDULE
TABLE C-2 (continued)**

Subarea	Characteristic	Standards and Principles
3B Town Lots	Permitted Uses	Category: Residential Medium High ("RMH")
	Density	Category: "-25"
	Design and Development	• Incorporate front yard setbacks to maintain the existing residential neighborhood character. • Site and design development to maintain public views of the coast from public places.
3C PCH Nodes	Permitted Uses	Category: Mixed Use-Vertical Integration of Housing ("MV") Visitor-serving commercial uses permitted by the Commercial Visitor ("CV") land use category, excluding uses that may adversely impact character of surrounding residential, and mixed-use structures vertically-integrating housing with commercial.
	Density/Intensity	Category: "-F8" • Height: three (3) stories
	Design and Development	Category: Specific Plan ("-sp") • Design structures to achieve a consistent visual character and be compatible with adjacent residential units in scale and mass. • Require structures to be sited along the PCH frontage, with parking to the rear, sides, or within structures. • Site and design development to maintain public views of the coast from public places.
3D	Permitted Uses	Category: Commercial Neighborhood ("CN")
	Density/Intensity	Category: "-F1" • Height: two (2) stories
	Design and Development	Category: Special Design District ("-d") • Design structures to be visually consistent and compatible with adjacent residential units. • Design and site structures to achieve a "village" character.

**COMMUNITY DISTRICT AND SUBAREA SCHEDULE
TABLE C-2 (continued)**

Subarea	Characteristic	Standards and Principles
4 PCH Coastal Corridor	Area wide Functional Role	Preserve and enhance the recreational character of the Pacific Coast Highway coastal corridor by the expansion of visitor-serving uses and maintenance of open spaces and recreational opportunities. Establish distinct commercial nodes, residential communities, and open spaces along its length.
4A Peter's Landing	Permitted Uses	Category: Commercial Visitor ("CV")
	Density/Intensity	Category: "F2" Height: three (3) stories
	Design and Development	Category: Special Design District ("-d") - Promote the revitalization and enhancement of the Peter's Landing commercial center. - Establish a unified "village" character, using consistent architecture and highly articulated facades and building masses. - Establish a pedestrian character. - Provide pedestrian linkages with surrounding residential areas, where feasible. - Establish a well-defined entry from PCH. - Physically and visually link development to Huntington Harbour's waterways and PCH. - Incorporate measures to mitigate the noise impacts of vehicular use of PCH. - Incorporate elements to ensure compatibility with surrounding residential areas.
4B Existing Oil Property (Continued on next page)	Permitted Uses	Category: Mixed Use-Horizontal Integration of Housing (MH) - Residential Medium High ("RMH") - Single and multi-family residential - Visitor serving commercial (as permitted by Commercial Visitor ["CV"] land use category) - Parks, golf courses, and other recreational amenities - Open spaces - Continued Oil Production
	Density/Intensity	Category: "F2-30" - Height: four (4) stories - Average Density: 15 units per acre

**COMMUNITY DISTRICT AND SUBAREA SCHEDULE
TABLE C-2 (continued)**

Subarea	Characteristic	Standards and Principles
4B Existing Oil Property (Cont.)	Design and Development	Category: Specific Plan (“-sp”) - Requires the preparation of and development in conformance with a Conceptual Master Plan of Development and Specific Plan. - The preparation of a Specific Plan may be phased in conformance with the conceptual Master Plan. - Establish a cohesive, integrated residential development in accordance with the policies and principles stipulated for “New Residential Subdivisions” (Policies LU 9.3.1 and LU 9.3.4). - Allow for the clustering of mixed density residential units and integrated commercial sites. - Require variation in building heights from two (2) to four (4) stories to promote visual interest and ensure compatibility with surrounding land uses. - Commercial development shall be prohibited along the Palm Avenue frontage. - Residential development along Palm Avenue shall be compatible in size, scale, height, type, and massing with existing development on the north side of Palm Avenue. - Visitor Serving Commercial development shall be oriented along the Pacific Coast Highway frontage. - Minimize vehicular access points onto arterial streets and highways including Palm Avenue, Golden West Street, Pacific Coast Highway, and Seapoint Street. - Open space and neighborhood parks, which may be private, shall be provided on site.
	Permitted Uses	Category: Commercial Visitor (“CV”) Visitor-serving and community-serving commercial uses, restaurants, entertainment, and other uses (as permitted by the “CV” and “CG” land use categories)
	Density/Intensity	Category: “-F7” Height: eight (8) stories
4C PCH/First (Lake) Street	Design and Development	Category: Specific Plan (“-sp”) - Establish a unified “village” character, using consistent architecture and highly articulated facades and building masses. - Require vertical setbacks of structures above the second floor. - Incorporate pedestrian walkways, plazas, and other common open spaces for public activity. - Provide pedestrian linkages with surrounding residential and commercial areas. - Establish a well-defined entry from PCH. - Maintain views of the shoreline and ocean.
	Permitted Uses	
	Density/Intensity	

**COMMUNITY DISTRICT AND SUBAREA SCHEDULE
TABLE C-2 (continued)**

Subarea	Characteristic	Standards and Principles
4D Waterfront	Permitted Uses	Category: Commercial Visitor ("CV") Hotels/motels and supporting visitor-serving commercial uses (in accordance with Development Agreement)
	Density/Intensity	Category: "-F7" • Hotel/motel rooms: 1,690 • Commercial: 75,000 square feet
	Design and Development	Category: Specific Plan ("-sp") As defined by the adopted Development Agreement.
4E PCH/Beach Northeast	Permitted Uses	Category: Open Space Conservation ("OS-C"), uses permitted by the Commercial Visitor ("CV") land use category, and free-standing multi-family housing ("RM"). (Please refer to the Land Use Map for the exact boundaries of each land use designation.)
	Density/Intensity	Category: • For RM designations, 15 units per acre • For CV designations, F2 • Height: three (3) stories
	Design and Development	Category: • Establish a major streetscape element to identify the Beach Boulevard-PCH intersection. • Site, design, and limit the scale and mass of development, as necessary, to protect wetlands. • Maintain visual compatibility with the downtown. • Incorporate onsite recreational amenities for residents. • Minimize access to and from PCH, providing an internal roadway system. • Incorporate extensive landscape and streetscape.
4F Wetlands	Permitted Uses	Category: Conservation ("OS-C") • Wetlands conservation.
4G Edison Plant	Permitted Uses	Category: Public ("P") and Conservation ("OS-C") • Wetlands conservation. • Utility uses.
	Design and Development	In accordance with Policy LU 13.1.8.
4H Brookhurst- Magnolia	Permitted Uses	Category: Conservation ("OS-C") Wetlands conservation.

**COMMUNITY DISTRICT AND SUBAREA SCHEDULE
TABLE C-2 (continued)**

Subarea	Characteristic	Standards and Principles
4I Atlanta-First (Lake) Street	Permitted Uses	Category: Residential High ("RH") Multi-family residential, parks and other recreational amenities, schools, and open spaces.
	Density/Intensity	Category: "-30" Height: four (4) stories
	Design and Development	Category: Specific Plan ("-sp") - Requires the preparation and conformance to a specific or master plan. - Establish a cohesive, integrated residential development in accordance with the policies and principles stipulated for "New Residential Subdivisions" (Policies LU 9.3.1-9.3.4). - Allow for the clustering of mixed density residential units and integrated commercial sites. - Require variation in building heights from two (2) to four (4) stories to promote visual interest and ensure compatibility with surrounding land uses.
4J Beach	Permitted Uses	Category: Shoreline ("OS-S") Coastal and recreational uses.
	Design and Development	In accordance with Policy LU 14.1.3 .
8 Commercial Nodes	Area wide Functional Role	Maintain and establish commercial centers to serve surrounding residential neighborhoods and the greater community.
8A Community Commercial	Permitted Uses	Category: Commercial General ("CG") Commercial uses permitted by the "CG" land use category.
	Density/Intensity	Category: "-F1" Height: two (2) stories
	Design and Development	Design to achieve a high level of quality in conformance with Policy LU 10.1.4. and Policy LU 10.1.12
8B Neigh- borhood Commercial	Permitted Uses	Category: Commercial Neighborhood ("CN") Commercial uses permitted by the "CN" land use category.
	Density/Intensity	Category: "-F1" Height: two (2) stories
	Design and Development	Design to achieve a high level of quality in conformance with Policy LU 10.1.10

COMMUNITY DISTRICT AND SUBAREA SCHEDULE
TABLE C-2 (continued)

Subarea	Characteristic	Standards and Principles
9 Industrial	Area wide Functional Role	Ensure the development of industrial uses to provide employment for the City's residents and contribute revenue for the City's services.
9F Newland Hamilton Industrial	Permitted Uses	Category: Industrial ("I") Uses permitted by the "I" land use category.
	Density/Intensity	Category: "-F2" on the northern portion of the area only. Height: two (2) stories
	Design and Development	Category: Special Design ("-d") - Same as Subarea 9A - Site, design, and limit the scale and mass of development, as necessary, to protect wetlands.

Note: Areas designated by the **Land Use Plan Map** for single family and multi-family residential are not delineated as Community Subareas, other than those listed above. Refer to the **Land Use Plan Map** and associated policies to determine appropriate use, density, and design and development standards.

Shoreline and Coastal Resource Access

Maintaining public access to the State's coastal resources is one of the primary objectives of the Coastal Act. Access to the City's coastal resources is encouraged and provided through regionally linked automobile routes, ancillary facilities such as adequate parking, bikeways and trails, public and private transit and direct pedestrian links. Coastal Element policy calls for the development of adequate infrastructure to accommodate anticipated vehicular traffic; the provision of non-auto oriented transportation facilities; transit facilities; the preservation of existing shoreline accessways, and the provision of new or enhanced access where feasible and appropriate.

Circulation

Freeways and Roadways

Existing

Regional and inter-regional access to the City's Coastal Zone is provided by a system of freeways, major and local arterial highways. The San Diego Freeway (I-405) is the major north-south freeway that provides regional access. Pacific Coast Highway (State Route 1) extends parallel with the coast and traverses the City's entire Coastal Zone along the western perimeter of the City. It provides both regional and local access to the City's coastal resources. Beach Boulevard (State Route 39) begins at Pacific Coast Highway and extends northward to the I-405 Freeway and beyond through cities in Orange and Los Angeles Counties. This route also is prominent in providing both regional and local access to the City's Coastal Zone. The existing circulation network in the City is depicted in **Figure C-11**.

Proposed

The Coastal Land Use Map depicted in this Coastal Element is consistent with the City's General Plan Land Use Map. A traffic study analyzing the potential impacts of building out the City in accordance with the General Plan Land Use Map was conducted in 1994. (See Appendix - 1996 General Plan Technical Background Report.) In addition to analyzing the "built out" scenario of the General Plan Land Use Map, the traffic study assumptions included background regional growth such as development of the Bolsa Chica Specific Plan as currently adopted by the County. The traffic study concluded that implementation of the General Plan Land Use Map would result in a City-wide increase in traffic volumes.

The Circulation Element of the Huntington Beach General Plan sets forth a circulation plan known as the Potential For 2010 Circulation Plan of Arterial Highways. It is anticipated that this plan, in concert with adopted circulation policies and programs, will accommodate the City's projected traffic volumes at buildout of the General Plan Land Use Map. The Coastal Element incorporates the Potential For 2010 Circulation Plan of Arterial Highways (**Figure C-12**). For purposes of maintaining eligibility for Measure M and Congestion management Plan (Proposition 111) funds, the City has also included the Circulation Plan of Arterial Streets and Highways in its Circulation Element. The Coastal Element also includes this circulation plan (**Figure C-13**). The Circulation Plan of Arterial Streets and Highways includes additional improvements that the Potential For 2010 Circulation Plan of Arterial Highways does not. Either plan will accommodate projected traffic levels in Huntington Beach, including the Coastal Zone. The City's preferred circulation plan at this time is the Potential for 2010 Circulation Plan of Arterial Highways. Future general plan amendments that combine the two plans may occur as needed.

The Potential for 2010 Circulation Plan of Arterial Highways depicts several proposed improvements within the Coastal Zone, including the Santa Ana River Bridge Crossings and the re-striping of Pacific Coast Highway to accommodate more traffic lanes and the extension of Hamilton Avenue. A brief discussion of these proposed improvements and their status is provided below.

Santa Ana River Bridge Crossings

The current Circulation Plan includes two Santa Ana River bridge crossings starting at Garfield Avenue and Banning Street and ending at Gisler Street and West 19th Street, respectively. The County is presently conducting a study to determine whether to implement the proposed bridge crossings, relocate them, or delete them from plans entirely. The City of Huntington Beach opposes the proposed bridge crossings.

Pacific Coast Highway Re-striping - Beach Boulevard to Goldenwest Street

Pacific Coast Highway presently accommodates four lanes of traffic (two lanes in each direction) between Beach Boulevard and Goldenwest Street. The Potential For 2010 Circulation Plan of Arterial Highways (Figure C-12), as well as, the Master Plan for Arterial Streets and Highways (Figure C-13) assume that Pacific Coast Highway will be re-striped between Beach Boulevard and Goldenwest Street to accommodate six lanes of traffic (three in each direction). The re-striping will provide for an increase in traffic capacity. Environmental documents processed by Cal Trans for the proposed re-striping project require that all on-street parking removed from Pacific Coast Highway as a result of the re-striping be replaced at a one-to-one ratio. Coastal Element policy includes this required mitigation and requires the parking be replaced prior to or concurrent with the loss of any parking spaces. Replacement parking alternatives are currently under investigation. (See "Recreational Parking" for further discussion.) Any parking replacement plan will require both City and Coastal Commission approval, prior to commencement of the re-striping project.

Hamilton Avenue Extension

The current Circulation Plan includes extending Hamilton Avenue from its present terminus to link with Beach Boulevard. At present, there is no specific proposal to accomplish this plan. Acquisition of right-of-way, environmental review and an analysis of alternatives are needed before a specific project may be adopted. Identification of funding mechanisms is also needed. The Hamilton Avenue Extension Project is not a high priority for the City or County at this time and is viewed as a long range project.



HUNTINGTON BEACH SUB-AREA MAP

CITY OF HUNTINGTON BEACH COASTAL ELEMENT

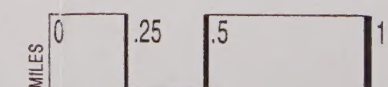
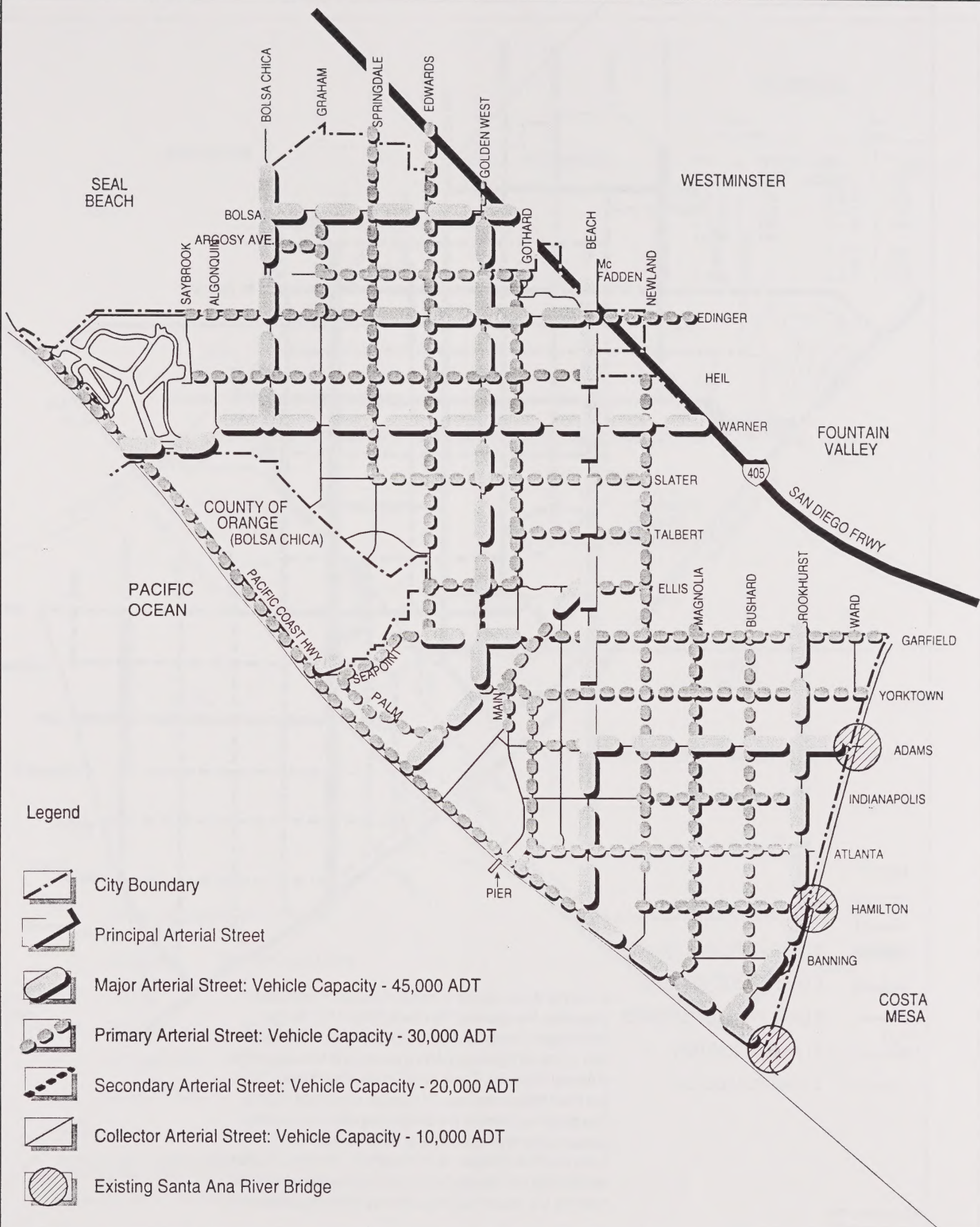


FIGURE C-10



EXISTING NETWORK OF ARTERIAL STREETS AND HIGHWAYS

CITY OF HUNTINGTON BEACH COASTAL ELEMENT

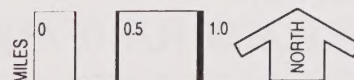


FIGURE C-11



DKS Associates, 1994
Amended June 1998

POTENTIAL FOR 2010 CIRCULATION PLAN OF ARTERIAL HIGHWAYS

CITY OF HUNTINGTON BEACH COASTAL ELEMENT

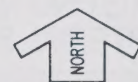
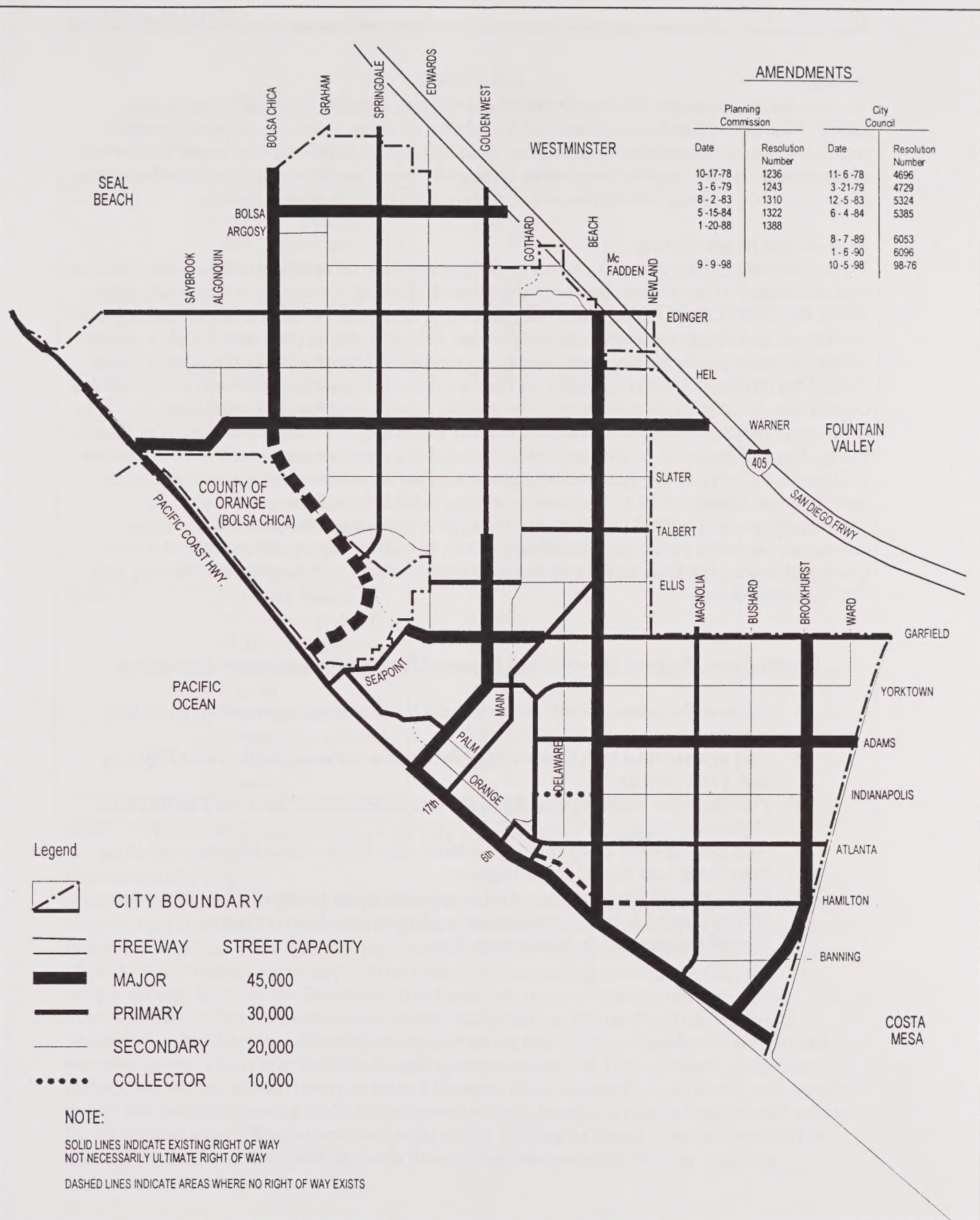


FIGURE C-12



CIRCULATION PLAN OF ARTERIAL STREETS AND HIGHWAYS

CITY OF HUNTINGTON BEACH COASTAL ELEMENT

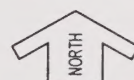


FIGURE C-13

Parking

The provision of adequate parking for the Coastal Zone is a significant issue in Huntington Beach. Recreational, commercial and residential uses all create a demand for parking, with recreation related demands being the highest and most seasonal. It is the City's goal to provide adequate parking facilities for beach users while at the same time decreasing parking demands by promoting and providing alternative modes of transportation to the City's beaches.

Recreational Beach Parking

Throughout most of the year, the amount of parking available for recreational beach users is more than adequate to accommodate the demand generated. Parking is provided in three main areas within the Coastal Zone: in designated lots, parking structures and on-street. Beach parking lots are full to capacity approximately 18 days per year, primarily during peak season and/or special events. Existing public parking opportunities for recreational beach visitors are listed in **Table C-3**. If the proposed re-striping project on Pacific Coast Highway between Beach Boulevard and Goldenwest Street is implemented, on-street parking spaces along Pacific Coast Highway will be removed. Coastal Element policy requires that any parking spaces removed as a result of the Pacific Coast Highway re-striping project be replaced at a one to one ratio prior to or concurrent with the loss of any parking spaces. Parking replacement alternatives that are currently under consideration include one or a combination of those listed below. Other options may be considered as well. The final replacement parking plan shall be consistent with Coastal Act policies pertaining to public and recreational access, as well as, other policies outlined in this Coastal Element. The final parking replacement plan is subject to the approval of the City and Coastal Commission.

Pacific Coast Highway Re-striping - Potential Parking Replacement Alternatives

- Improve the existing South Beach parking lot to accommodate additional parking spaces.
- Add new stalls on both sides of Seapoint Avenue between Pacific Coast Highway and Palm Avenue.
- Provide a new parking lot on Railroad Avenue near Main Street and Pacific Coast Highway.
- Add parking stalls along Huntington Street near Pacific Coast Highway and along First Street near Pacific Coast Highway.
- Develop a parking lot at the old oil access road below the bluffs, west of the Pier.
- Utilize shuttles to access interior parking lots on peak beach use days.
- Special assessments or development fees.

TABLE C-3
Public Parking Opportunities within Coastal Divisions

Coastal Zone Division (Figure C-4)	Parking Location	Free Parking Spaces	Metered Parking Spaces	Total Parking Spaces	Comments
Zone 1	PCH (on-street)*	300		300	
	Peter's Landing	630		630	
	HH Yacht Club		76	76	\$1.00/hour
	Sunset Beach*	672		672	4 hr. maximum
Zone 2	Bolsa Chica State Beach		2200	2200	\$5.00/day
	PCH (on-street)		324	324	\$1.50/hour
Zone 3	PCH (on-street)		260	260	\$1.50/hour
	Surf Theatre Lot		39	39	Permit Only
Zone 4	Pier Plaza		421	421	\$1.50/hour
	Main Promenade		815	815	\$1.50/hour
	PCH (on-street)		486	486	\$1.50/hour
	Business Streets		206	206	\$1.50/hour
	Residential Streets		218	218	\$1.50/hour
	City Beach Lot		250	250	\$1.50/hour
	City Beach Lot		1813	1813	\$7.00/day
Zone 5	HB State Beach		1200	1200	\$5.00/day
	PCH/River (inland)	110		110	
	PCH/River (ocean)	75		75	
	Beach Blvd. (1600' inland)		83	83	\$1.50/hour
	Newland to channel	75		75	
	Magnolia to channel	81		81	
	Brookhurst to channel	22		22	
TOTAL		1,965	8,481	10,446	

Note: *Most or all located outside of the City's Coastal Zone boundary.

Commercial Parking

Much emphasis has been placed on providing adequate parking for commercial facilities in the Coastal Zone to ensure that commercial parking demands do not negatively impact recreational beach user parking. This issue was especially significant when planning for the re-development of the City's Downtown area into a dense node of visitor serving commercial facilities. The unique parking issues of the Downtown area have been resolved through the development and implementation of the Downtown Huntington Beach Parking Master Plan (see Technical Appendix). The Downtown Huntington Beach Parking Master Plan was adopted in 1993 and provides for shared parking facilities including on-street parking, lots and nearby municipal parking structures. Annual reports and modifications of the Master Plan, if needed, will serve to ensure that adequate parking facilities are provided for existing and planned commercial uses in the Downtown area. Other commercial areas within the City's Coastal Zone, but outside the downtown area, meet their parking needs through implementation of the City's Zoning

Ordinance. Adequate parking must be provided on site at the time of development. Shared parking is permitted on a case by case basis, if justified.

Residential Parking

Residential uses within the Coastal Zone are required to provide parking facilities on-site. In some areas of the Coastal Zone, residents may purchase parking permits to exempt them from parking time limits and/or metered parking. Certain residents also have the opportunity to purchase parking stickers that permit them to park in areas where the general public is not permitted. However, Coastal Element policy prohibits the establishment of new preferential parking districts whenever public access to the coast would be adversely affected.

Trails and Bikeways

Bicycling provides both recreation and an alternative mode of transportation to access the City's coastal resources. The City's bikeway program is one of the most extensive in Orange County and includes both Class I and Class II. Bikeways are marked with signs and street painting. Existing and proposed bikeways in the City's Coastal Zone are depicted in **Figure C-14**.

Figure C-14 also depicts riding and hiking trails, including a proposed equestrian trail that will be included in the planned Harriett M. Wieder Regional Park (The Huntington Beach Regional Riding and Hiking Trail). This trail will extend from the existing equestrian facilities and trails in Central Park to the inland side of Pacific Coast Highway at Seapoint Avenue. This trail will provide views of the Bolsa Chica wetlands and shoreline.

The County's Master Plan of Regional Riding and Hiking Trails identifies two regional trails within the subject Coastal Zone: 1). The Santa Ana River Trail, and 2). The Huntington Beach Trail. The Commuter Bikeways Strategic Plan (the regional bikeways plan for Orange County), identifies three regional Class I bikeways within the Coastal Zone: 1). The Santa Ana River Bikeway; 2). The Wintersburg Channel Bikeway, and 3). The Coastal Bikeway.

Trail/Bikeway Definitions	
Name	Definition
Class I Bikeway	Paved off-road bikeway; used by bicyclists, walkers, joggers, roller skaters, and strollers.
Class II Bikeway	On-road bikeway with striped lanes; used by bicyclists.
Riding and Hiking Trail	Natural surface or decomposed granite off-road trail; used mainly by equestrians, mountain bicyclists, joggers and hikers.

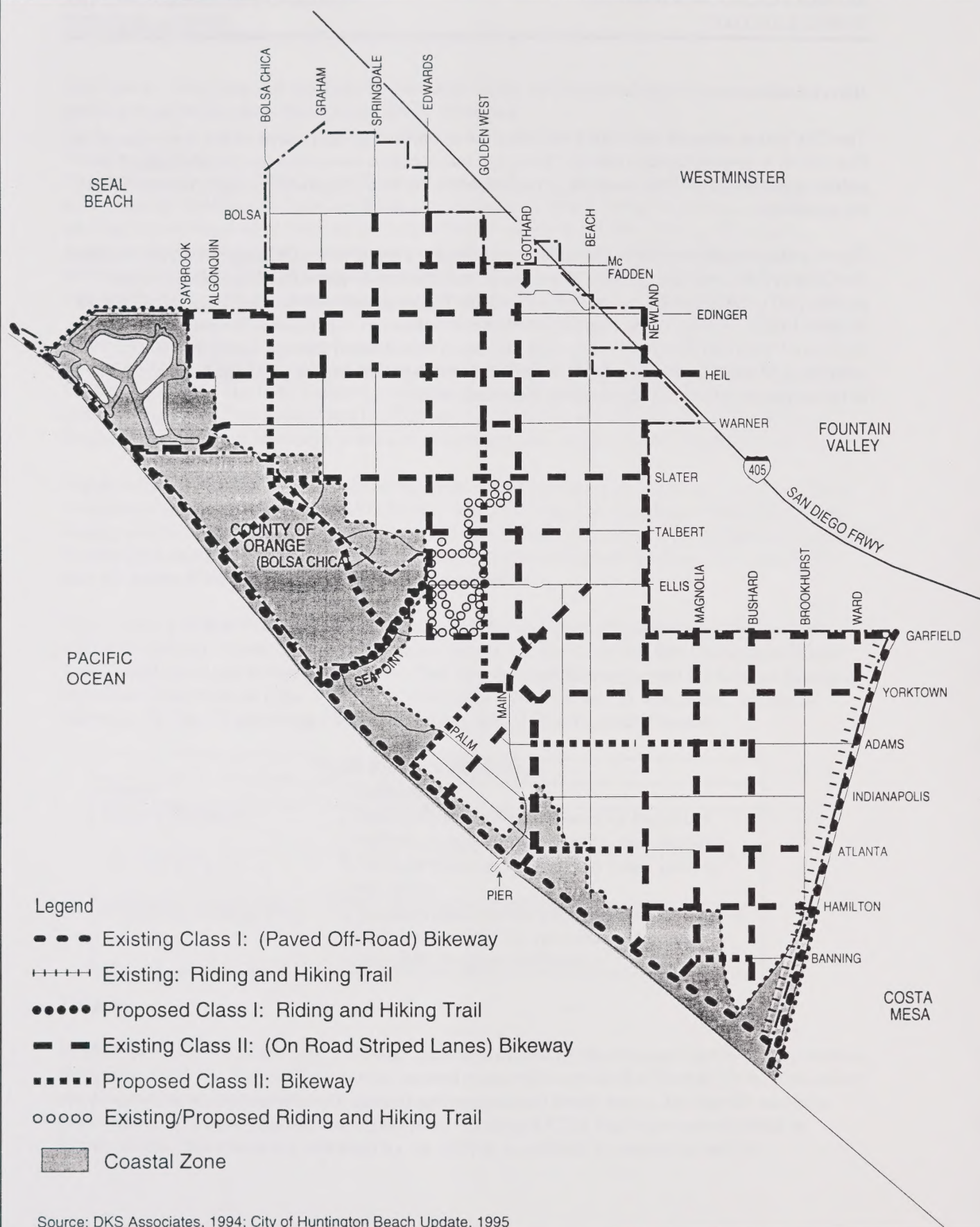
Transit

Public transit service in the City's Coastal Zone is provided by the Orange County Transportation Authority (OCTA). The OCTA operates several routes that service the Coastal Zone. The routes are designed to accommodate both general and recreational beach users. During the summer peak season, additional bus service is provided. Existing OCTA bus routes are depicted in **Figure C-15**. Bus routes are amended by the OCTA, as needed, to maximize service.

Direct Access

The City's nine miles of shoreline (including the residential co-op located on the west side of the Pier which is on land leased from the State) are under public ownership and are designated for public recreational use. Consequently, opportunities for direct physical access to the shoreline are excellent.

Direct pedestrian access to the shoreline is provided at several intervals along the entire length of the Coastal Zone, including a new shoreline access (a stairway and a handicap access ramp) constructed at Seapoint Avenue and Pacific Coast Highway near the planned Harriett M. Wieder Regional Park. Access to the Huntington Harbour waterways is somewhat limited due to the residential nature of the surrounding area, but could be enhanced through increased public awareness of existing access points. Additional access points may be provided through re-development or when existing uses are improved.



TRAILS AND BIKEWAYS

CITY OF HUNTINGTON COASTAL ELEMENT



FIGURE C-14



Public Recreational and Visitor Serving Commercial Facilities

Public Recreational Resources

Coastal Act policy promotes the protection of coastal resources while accommodating public demand for such resources. Further, Coastal Act policy promotes the protection of recreational and lodging opportunities for low and moderate income persons. Huntington Beach is known internationally for its temperate climate, excellent surfing beaches, and plentiful recreational amenities and opportunities. Consequently, millions of visitors are attracted to the City's shoreline each year (an estimated 9.6 million in 1998). As the general population grows, the demand for year round recreational resources along the coastline will also grow. Coastal Element policy recognizes the City's responsibility to balance the need to provide adequate recreational facilities to serve the greater than local community, while protecting the resources and character of its Coastal Zone. An overview of Huntington Beach's most significant recreational resources is described below. **Figure C-16** identifies the location of these resources.

Beaches

The City's Coastal Zone contains over nine linear miles of sandy beach shoreline area encompassing approximately 380 acres. The three beaches in Huntington Beach are Bolsa Chica State Beach and Huntington State Beach, which are operated by the State Department of Parks and Recreation, and Huntington City Beach, which is operated by the City. Bolsa Chica State Beach includes six miles of shoreline between Warner Avenue and the Municipal Pier. Huntington City Beach includes approximately one mile of shoreline between the Municipal Pier and Beach Boulevard. Huntington State Beach consists of the two mile shoreline area between Beach Boulevard south to the Santa Ana River. All of the beach area is in public ownership. The entire beach area is designated as open space in the Coastal Element Land Use Map.

Recreational opportunities at the City's beaches are extensive and include activities such as sunbathing, swimming, surfing, bodysurfing, sand volleyball, skin and scuba diving. Huntington Beach is known as one of the best surfing areas on the west coast and has hosted numerous national and international surfing contests. Its renowned surf is a result of the shoreline's long, gradually sloped beach gradient and location in relation to ocean swells. Fire rings are provided for barbecues and evening camp-fires. Offshore clam beds and a variety of game fish attract divers and surf fisherman to the Huntington Beach shoreline. In addition, the Coastal Bikeway, a regional Class I Bikeway, extends the length of the shoreline in Huntington Beach (it continues south to Newport Beach and north to Seal Beach). This paved bikeway provides for bicycle riding, jogging, roller blading, walking and similar activities separated from vehicular traffic. Proposed improvements include widening the existing Coastal Bikeway within Huntington Beach from its existing average width of 12 to 15 feet to twenty feet.

Municipal Pier and Plaza

The City's Municipal Pier is located at the intersection of Main Street and Pacific Coast Highway and serves as the focal point of the City's Coastal Zone. The Pier, which was re-built and opened in 1992, is 1,856 feet long, 30 feet wide and 38 feet above the mean low water level. It is constructed of reinforced concrete. It includes a variety of visitor serving and recreational amenities, including a restaurant, community access booth, lifeguard tower and observation and recreational fishing platforms. Visitors can use the Pier to sight see, stroll, fish and dine. Coastal Element policy, among other things, limits building heights on the pier to a maximum of 2 stories/35 feet. Coastal Element policy also requires that public access around the entire

perimeter of the pier be maintained. Proposed enhancements to the Pier include a funicular/trolley system to transport pedestrians from the Plaza area to the end of the Pier and back.

The Main Pier Plaza has more than eight acres of public space located at the base of the Municipal Pier on the ocean side of Pacific Coast Highway, between First and Seventh Streets. The public plaza includes a palm court, a 230 seat amphitheater, a spectator area, accessways to the beach and lawn, restrooms and concessions, bicycle parking facilities and automobile parking. Pier Plaza was designed as a community focal area where public speaking forums, surfing competitions, foot races, outdoor concerts and similar events are held.

Parks

Other than the sandy shoreline area itself, existing parks in the Coastal Zone include those listed in **Table C-4** below and depicted in **Figure C-16**.

**TABLE C-4
Coastal Zone Parks**

LOCATION	SIZE/Acres
Zone 1	
Booster Park – Baruna and Davenport	1.0
Conrad Park – Aquarius and Trinidad	3.0
French Park – Venture @ Harbor Channel	0.5
Prince Park – Typhoon and Venture	0.2
Seabridge Beach Park – 3222 Countess	4.5
Tarbox Park – Wellington and Melville	0.5
Trinidad Beach Park – Trinidad @ Long Channel	1.0
Zone 2	
Bolsa View Park-Brighton and Crestmoor	3.0
Zone 3	
Harriett M. Wieder Regional Park	*111.0
Bluff Top Park	20.0
Lower Seacliff Greenbelt-Island Bay and Palm	0.5
Zone 4	
Manning Park – Delaware and Detroit	2.5
Total Acres	147.7

*At present, 49 acres of the 111 total are privately owned, to be dedicated, per agreement, at a later date.

Proposed parks include the Harriett M. Wieder Regional Park (formerly known as the Bolsa Chica Linear Park) and the Orange Coast River Park. Land for the Regional Park has been identified (approximately one-third has been dedicated and is in public ownership). A development plan for the park has been devised through coordinated efforts between the City and County of Orange. Once developed, the Harriett M. Wieder Regional Park will connect Central Park to the coastline via the Huntington Beach bluffs, at Seapoint and Goldenwest. The Regional Park will provide views and linkages to the Bolsa Chica wetlands as well.

The Orange Coast River Park is in the early stages of planning at this time. The present conceptual plan for the park is to link parks from inland cities to the coastline via the Santa Ana River trail. The Orange Coast River Park is proposed to extend north from the Santa Ana River, in Huntington Beach, along the inland side of Pacific Coast Highway to Beach Boulevard. Feasibility studies for the park concept are now underway. Coastal Element policy supports and promotes the maintenance and preservation of existing parks, the development of the planned Harriett M. Wieder Regional Park, and further study of the feasibility of the proposed Orange Coast River park.

Recreational Vehicle Camping

The Sunset Vista Camper Facility, located on Pacific Coast Highway in the Huntington City Beach parking lot at First Street, is a City-operated recreational vehicle camping site offering 150 spaces from September 15 through May 31 annually. The facility allows camping immediately adjacent to the beach sand area.

In addition, the State Department of Parks and Recreation allocates 50 spaces for enroute overnight camping at both Huntington State Beach and Bolsa Chica State Beach. Campers pay a nominal fee per night and are required to check in after 8:00 p.m. and leave by 9:00 the following morning. The RV spaces made available under this program are for year-round use. The City Beach also offers a similar program for enroute RV camping between June 1 and September 14, annually. Coastal Element policy promotes the preservation of these opportunities and expansion of the camping program at the State beaches to mirror the overnight program permitted at the City beach parking lot.

Trails and Bikeways

The City boasts an extensive trail system that can be used by bicyclists, roller bladers, joggers and strollers. The Coastal Zone includes a Class I trail that runs the entire length of the Coastal Zone and is linked to regional bikeways. It also includes several east west bikeways that access the City's Coastal Zone, and a major trail along the Santa Ana River. In addition, the County has plans for a future riding and hiking trail that will extend from the existing riding and hiking trail system in Central Park, which is just outside the City's Coastal Zone boundary, along the proposed Harriett M. Wieder Regional Park to points near the shoreline. The County's Master Plan of Regional Riding and Hiking Trails identifies two regional trails within the City's Coastal Zone: the Santa Ana River Trail and the Huntington Beach Trail. The Commuter Bikeway Strategic Plan (the regional bikeways plan for Orange County) identifies three regional Class I bikeways within the Coastal Zone: the Santa Ana River Bikeway, Wintersburg Channel Bikeway and the Coastal Bikeway. (Figure C-14.)

Golf Courses

There is one private (no public) golf course in the City's Coastal Zone: Seaclyff Country Club. It is an eighteen hole course located on Palm Avenue, west of Goldenwest Street.

Huntington Harbour

Huntington Harbour is an 860 acre residential development oriented around a network of manmade channels located in the northwest corner of the City. The channel system covers a surface area of 225 acres and houses approximately 2,300 mostly private boat slips. The waterways, which are available for public use, provide significant opportunities for boating. Access to the channels is provided in several areas where boats and boat slips may be rented, and by the City operated boat ramps (Percy Dock and Warner Dock) located near the Warner Avenue

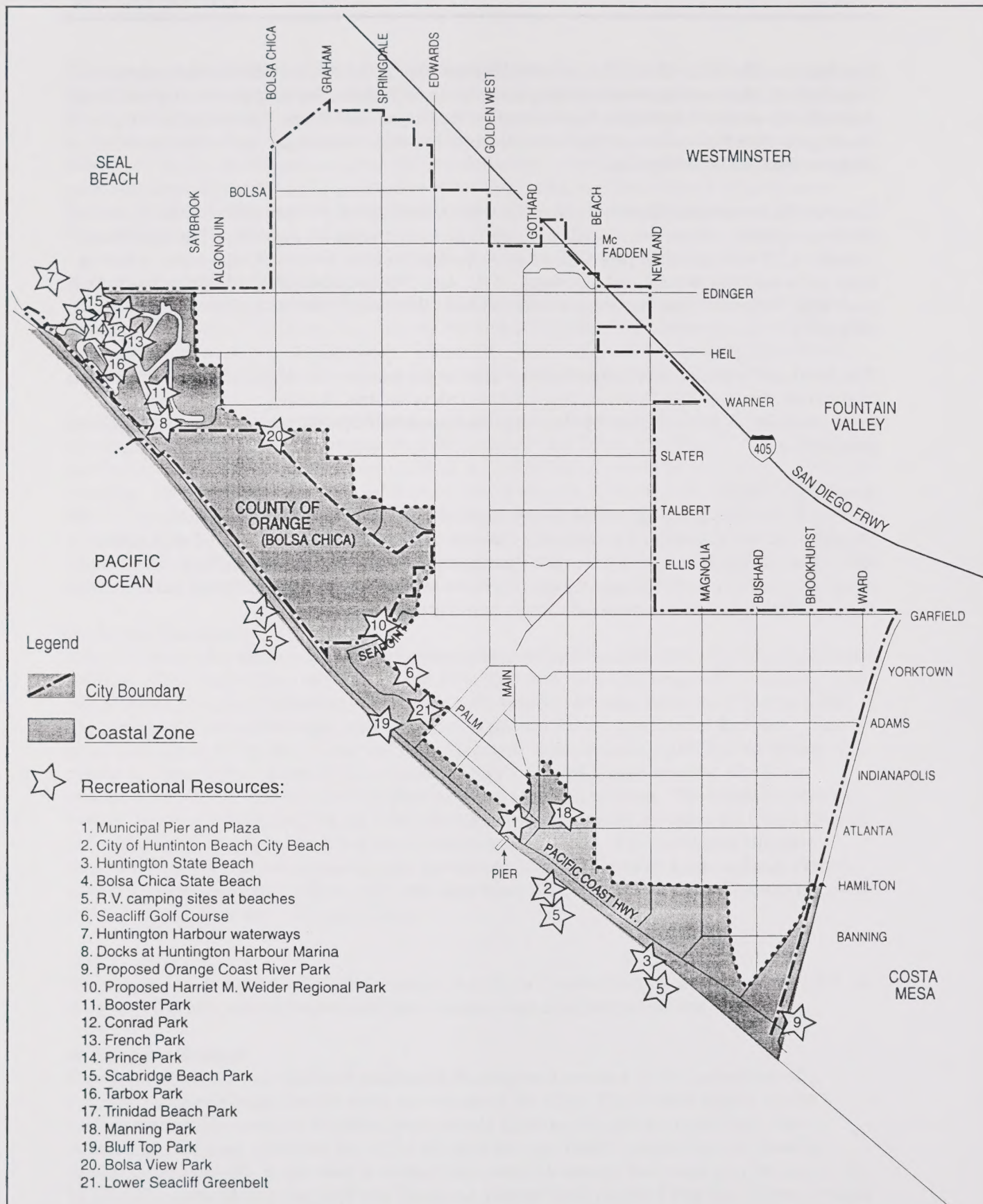
Fire Station. The Percy Dock also provides City operated parking. An additional boat ramp, French Dock, that can accommodate large boats is available at the Sunset Aquatic Regional Park immediately north of Huntington Harbour within the City of Seal Beach. The entrance to the Huntington Harbour channels is located at the northwest end of the harbor and passes under a bridge at Pacific Coast Highway.

Some of the recreational opportunities in Huntington Harbour are private, accessible only to Harbour residents. However, a number of public recreation areas are available. Trinidad Island includes a 2.7 acre greenbelt park with a bicycle/pedestrian path, two small vista parks, a fishing dock and a walkway around half the island. A 4.1 acre City neighborhood park is also located on Seabridge Peninsula. The Harbour area also includes three small beaches and parks accessible to the public.

The developed status of Huntington Harbour dictates the current state of public access in the area. In the event that new development, or significant redevelopment, fronting a channel area does occur, the City's Coastal Element policy requires that adequate public access to the waterways be provided.

Boating Facilities

Boating facilities in Huntington Beach are primarily provided in Huntington Harbour. Development of a second marina in the City's Coastal Zone is limited by a lack of appropriate sites. Boat storage is provided within the Huntington Harbour Marina and in off-site dry storage areas. City policy allows for boat storage on private residential property if properly screened and accommodated, as well as within industrially zoned areas.



SIGNIFICANT RECREATIONAL RESOURCES

CITY OF HUNTINGTON BEACH COASTAL ELEMENT

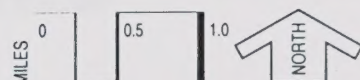


FIGURE C-16

FIGURE C-16
SIGNIFICANT RECREATIONAL RESOURCES

Visitor-Serving Commercial Facilities

The City's Coastal Zone is host to millions of visitors each year. The Coastal Act places a high priority on land uses and facilities that serve the needs of these visitors. Visitor-serving facilities include public and private developments that provide accommodations, food, entertainment and services. The City's Coastal Land Use Plan defines activity nodes where visitor serving uses are concentrated. The use of concentrated nodes allows the City to capitalize on shared facilities and minimize impacts to more sensitive resource areas in the Coastal Zone. The most concentrated area of visitor serving uses is within the Downtown area near the Municipal Pier. Significant visitor serving facilities within the Coastal Zone are briefly described below.

Huntington Harbour

The Huntington Harbour area includes commercial uses to serve residents and visitors. Visitor serving commercial uses include restaurants, retail shops, entertainment and private recreational facilities such as the Huntington Harbour Yacht Club and a fitness/racquet club.

Seacliff Promenade Conceptual Master Plan Area

The Seacliff Promenade Conceptual Master Plan Area is bounded by Pacific Coast Highway to the south, Palm Avenue to the north, Seapoint Avenue to the west and Goldenwest Street to the east. The planning area comprises approximately 150 acres and is presently under the ownership of PLC Properties and Aera Properties. PLC Properties owns the 56 acre parcel located at the northeastern section of the site. Aera owns the remaining 94 acre portion which fronts Pacific Coast Highway. At this time, the site represents one of the largest, undeveloped contiguous areas in the Huntington Beach Coastal Zone. The planning area is designated in the Coastal Element Land Use Map as Mixed Use-Horizontally Integrated Housing (MH-F2/30(Avg. 15)-sp), which permits residential, visitor serving commercial and open space uses. A specific plan or plans, as well as, a "conceptual master plan of development", consistent with the Coastal Element Land Use Map, are required before any development may be approved on the site.

Per the site's Coastal Element Land Use Map designation, commercial uses will be limited to those permitted by the Commercial Visitor land use category. (See Table C-1, Coastal Element Land Use Plan Land Use, Density and Overlay Schedule, and Table C-2, Community District and Subarea Schedule). The amount and precise location of commercial land that will be included within this planning area will be determined through the conceptual master plan and specific plan preparation and adoption processes. The required master and specific plans are subject to Coastal Commission approval which would be submitted to the Coastal Commission as an LCP amendment that would take effect upon Commission certification. Both are consistent with Coastal Act and adopted City policy noted in this Coastal Element.

Pursuant to the adopted Palm/Goldenwest Specific Plan, it is anticipated that the 94 acre Aera property, which fronts Pacific Coast Highway, will house visitor-serving commercial, open space and recreational/civic uses such as a public museum, with visitor-serving commercial uses having preference. This property is presently used for oil production and is expected to maintain its existing oil activities for the next 15 to 20 years. The 56 acres located in the northeast portion of the planning area and owned by PLC Properties, is approved for up to 315 dwelling units.

Downtown

The downtown area has been designed as the primary visitor serving node in the Coastal Zone. Development of the area is guided by the Downtown Specific Plan. Coastal Element policy promotes the continuation of the area as a visitor serving node. Significant project areas within the downtown area include the Main/Pier area, the Waterfront area and a site known as “31 acres.” The Main/Pier area includes the Municipal Pier, the public plaza at the base of the Pier, adjacent restaurants, and commercial/retail development on Main Street. The Waterfront development area is located at the northwest corner of Pacific Coast Highway and Beach Boulevard. It is designated for uses such as hotels, specialty retail and residential uses. The “31-Acres” site is located on the north side of Pacific Coast Highway at First Street, just south of the Municipal Pier. This site is planned to be developed as a mixed use project including visitor serving commercial, office and residential uses. Planned and existing projects within these development areas are summarized in **Table C-5**.

TABLE C-5
Existing Downtown Area Commercial Facilities

Existing Visitor Serving Projects Within the Downtown Area	Description
The Waterfront Development The Waterfront Hilton Beach Resort	296 hotel rooms, 15,000 square feet of ballroom/meeting space, restaurant pool and fitness center.
Main/Pier Pier Pavillion	19,100 square feet retail, restaurant and office uses.
Oceanview Promenade	42,000 square feet of visitor serving retail
Main Promenade	34,000 square feet of visitor serving retail, restaurant and office uses. Includes 830 space municipal parking structure.
Adjacent to Municipal Pier	15,000 square feet of restaurant area. Currently houses Duke's and Chimayo's restaurants.
Municipal Pier	8,000 square feet of visitor serving commercial at end of Pier.
Pier Plaza	No commercial uses.
Plaza Almeria	301 Main Street. 30,000 square feet of commercial/retail with 10,000 square feet of office on upper stories. Also includes 42 townhomes.
Approved Projects	Description
The Waterfront Development The Hilton Pacific Grand Resort (Waterfront Development)	44 acres along PCH, adjacent to existing Hilton Hotel, 530 rooms, 50,000 square feet conference center, 12,000 square feet of specialty retail and spa and a third hotel.

Beach Boulevard

With the exception of the northwest corner of Pacific Coast Highway and Beach Boulevard included within the Waterfront Development area, the portion of Beach Boulevard that lies within the Coastal Zone boundary does not include existing or planned commercial uses. However, just outside the Coastal Zone, and accessible within minutes of the beach by car, bus or bicycle, Beach Boulevard includes a variety of visitor, neighborhood and regional serving commercial establishments.

Other

A strip of land located on the north side of Pacific Coast Highway, between Beach Boulevard and Newland is designated for visitor serving commercial uses in the Coastal Element Land Use Plan. (The site presently houses the Action Boat Yard and is partially vacant.) A half block area on the inland side of Pacific Coast Highway, between Sixth and Ninth Streets, is designated as Mixed Use-Vertical. The site is presently vacant.

Visual Resources

The Coastal Act requires that the scenic and visual qualities of coastal areas, especially natural landforms along bluffs and cliffs, be considered and protected as a resource of public importance. Huntington Beach's Coastal Zone includes several visual resources that contribute positively to the aesthetic character of the Coastal Zone, including views, natural landforms and man-made amenities (**Figure C-17**). The City's Coastal Zone also includes facilities and sites that negatively impact the visual character of the area and detract from existing assets. The Coastal Element includes policy to protect the assets and mitigate or remove the visual detractors.

Assets***The Pacific Ocean***

The Pacific Ocean is Huntington Beach's most prominent visual asset. Views of the ocean from Pacific Coast Highway, peripheral streets, and surrounding neighborhoods and districts enhance the visual quality and ambiance of the City and help orient the traveler.

Huntington Harbour

Huntington Harbour is a visual asset to those residences that front the channel. The concentration of recreational boats and related activity on the waterways provides scenic resources not found elsewhere in the City's Coastal Zone. Although limited access makes this asset somewhat exclusive to area residents, public access is provided to visitors. Private views are not protected by the Coastal Act or Huntington Beach Coastal Element policy.

The Bolsa Chica Ecological Reserve

The Bolsa Chica Ecological Reserve is located in the unincorporated area of land known as the Bolsa Chica. It is a lowland that lies between two mesas. The visual quality of the wetland marshes and natural wildlife create an impressive corridor along Pacific Coast Highway generally located between Seapoint Street and Warner Avenue.

The Bolsa Chica Mesas

The northwestern side of the Bolsa Chica Ecological Reserve includes bluffs that rise to an upland area known as the *Bolsa Chica Mesa*. These bluffs are primarily under the County's jurisdiction (only a small part of the bluff lies in the City) but are within the City's Sphere of

Influence for potential future annexation. The mesas constitute a significant scenic resource within the City's Coastal Zone.

To the southeast of the Bolsa Chica Ecological Reserve, another line of bluffs extends between Pacific Coast Highway and Edwards Street. The bluff top area here is known as the *Huntington Beach Mesa* and is the site of the proposed Harriett M. Wieder Regional Park.

Beach Bluffs

A line of low, steep bluffs runs along the face of the beach, on the south side of Pacific Coast Highway, between Seapoint south to approximately the Pier Plaza area. Panoramic views of the ocean, coastline and Catalina Island can be seen from the bluffs and from several locations on Pacific Coast Highway where the road rises above the adjacent bluff line.

The Municipal Pier

The Huntington Beach Municipal Pier affords fine views of the shoreline, ocean and islands. To maintain public views, Coastal Element policy limits heights of buildings permitted on the pier to a maximum of 2 stories/35 feet. In addition, the entire perimeter of the pier is required to be maintained for public access. Aside from affording views to the ocean, the Pier structure itself is considered to be a visual resource.

Wetlands

The wetland area north and adjacent to Pacific Coast Highway between the electrical generating plant and the Santa Ana River, known as the Talbert Marsh, provides open space and visual relief along this stretch of Pacific Coast Highway.

Public View Opportunities/Corridors

Public views to the ocean and/or shoreline are afforded from several places along Pacific Coast Highway within the City's Coastal Zone.

Weaknesses

Oil Production Facilities

Oil pumps, tanks and pipelines are located throughout the Coastal Zone. They are often incongruous with the visual character of the area.

Utility Facilities

Coastal Zone visitors who travel Pacific Coast Highway between Newport Beach and Beach Boulevard cannot miss the electrical generating plant or the regionally serving sewage treatment plant located adjacent to the Santa Ana River. Both facilities dominate the landscape and negatively impact the visual and aesthetic character of the surrounding area.

Billboards

Though fewer in number than ten years ago, billboards remain in the City's Coastal Zone today. The billboards are inconsistent with the visual character of the Coastal Zone, block views and clutter the landscape.

Electrical Transmission Lines

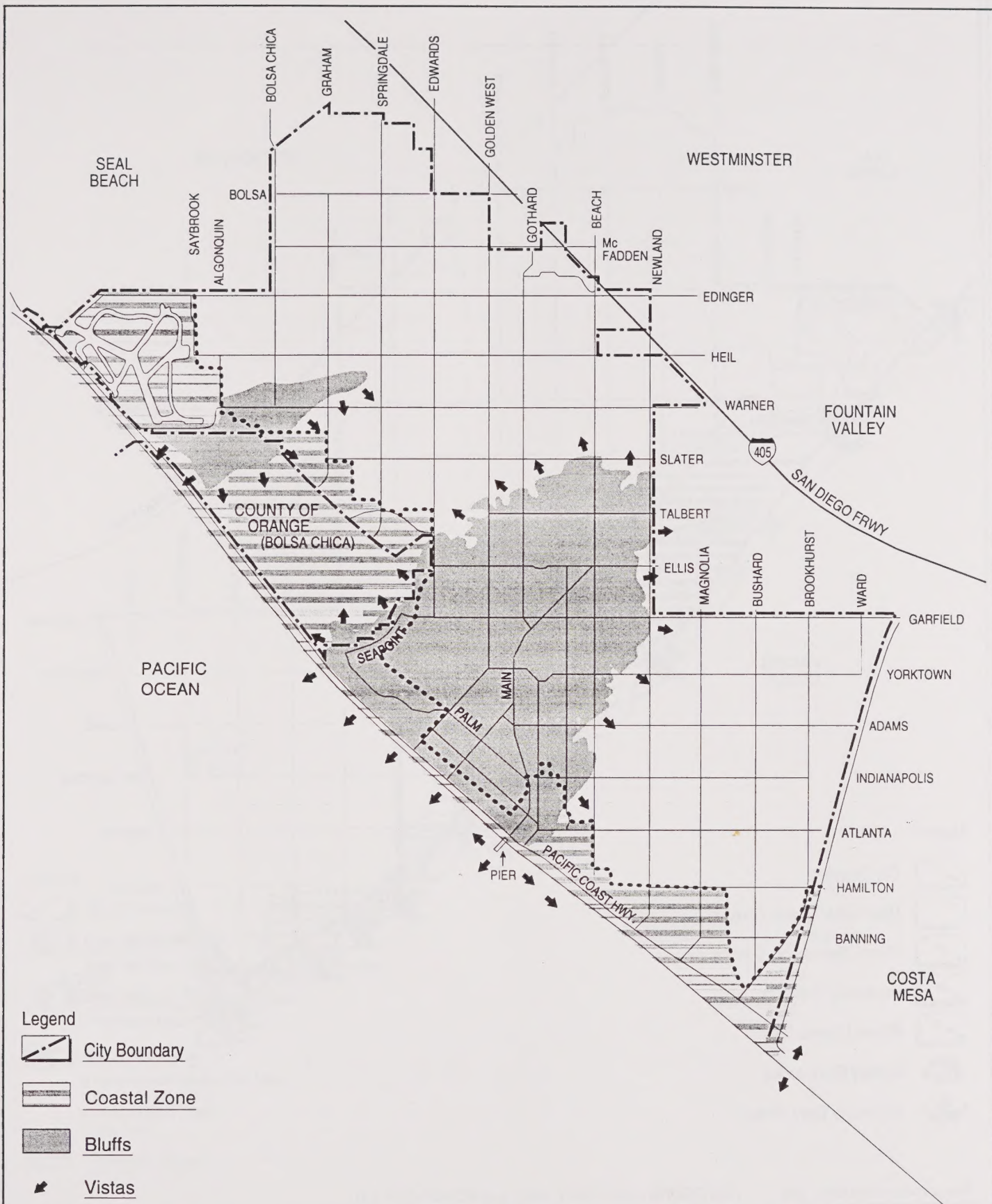
Electrical transmission lines, visible along the beach bluffs and in open areas, detract from the scenic potential of the Coastal Zone.

Pacific Coast Highway

The visual experience along Pacific Coast Highway could be improved through increased landscaping, curb and gutter treatments, placing transmission lines underground, screening oil production facilities and utilities, and removing billboards.

Historic and Cultural Resources

Coastal Act Policy requires that significant historical and archeological resources of the Coastal Zone be identified and protected. The Coastal act identifies such resources located within the Coastal Zone, and sets forth policies to ensure reasonable protection and or enhancement of such resources.



BLUFF AREAS AND SCENIC OPPORTUNITIES

CITY OF HUNTINGTON BEACH COASTAL ELEMENT

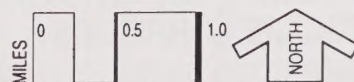
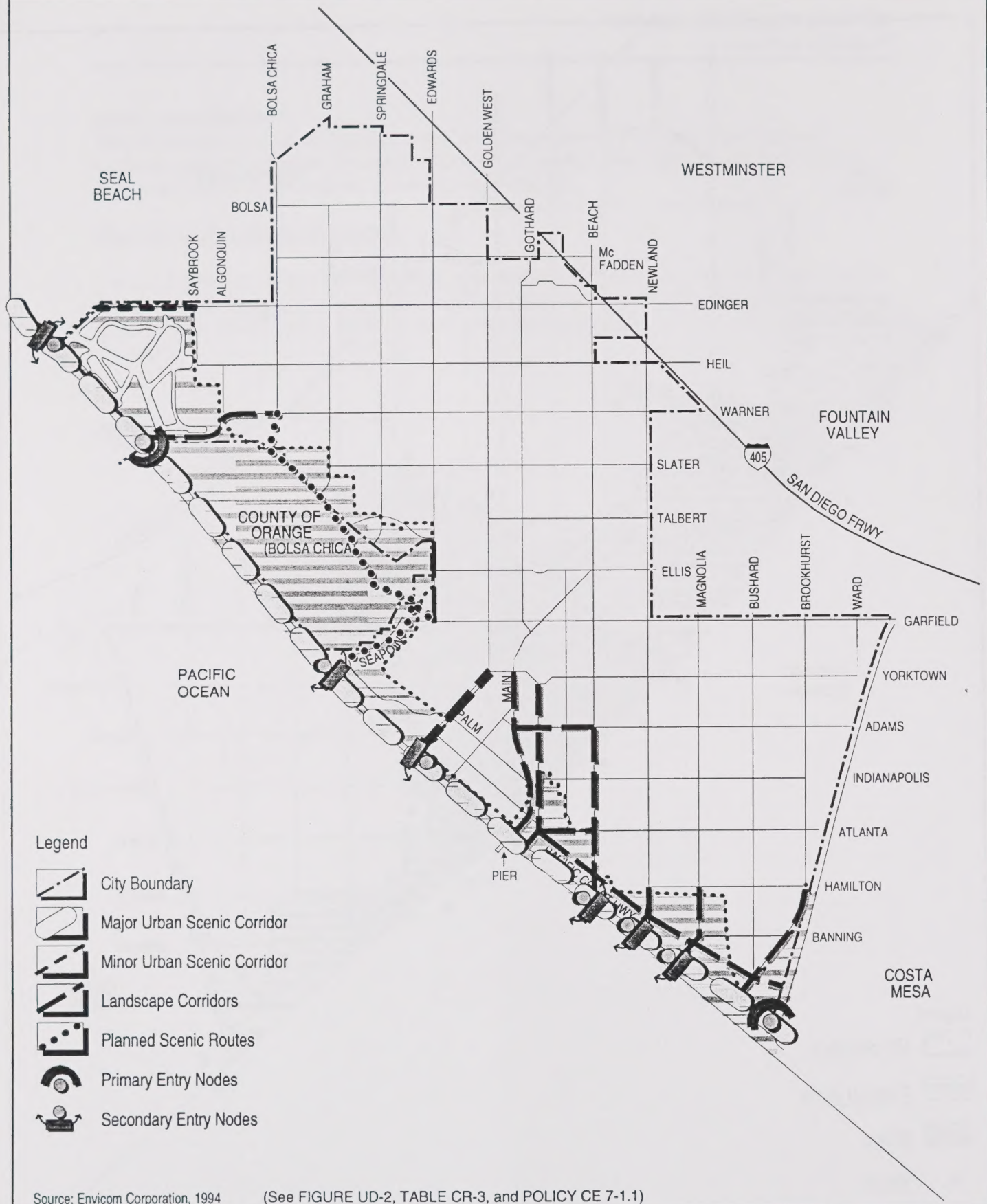


FIGURE C-17



Source: Envicom Corporation, 1994

(See FIGURE UD-2, TABLE CR-3, and POLICY CE 7-1.1)

SCENIC HIGHWAYS, SCENIC CORRIDORS, AND LANDSCAPE CORRIDORS

CITY OF HUNTINGTON BEACH COASTAL ELEMENT

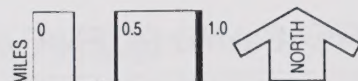
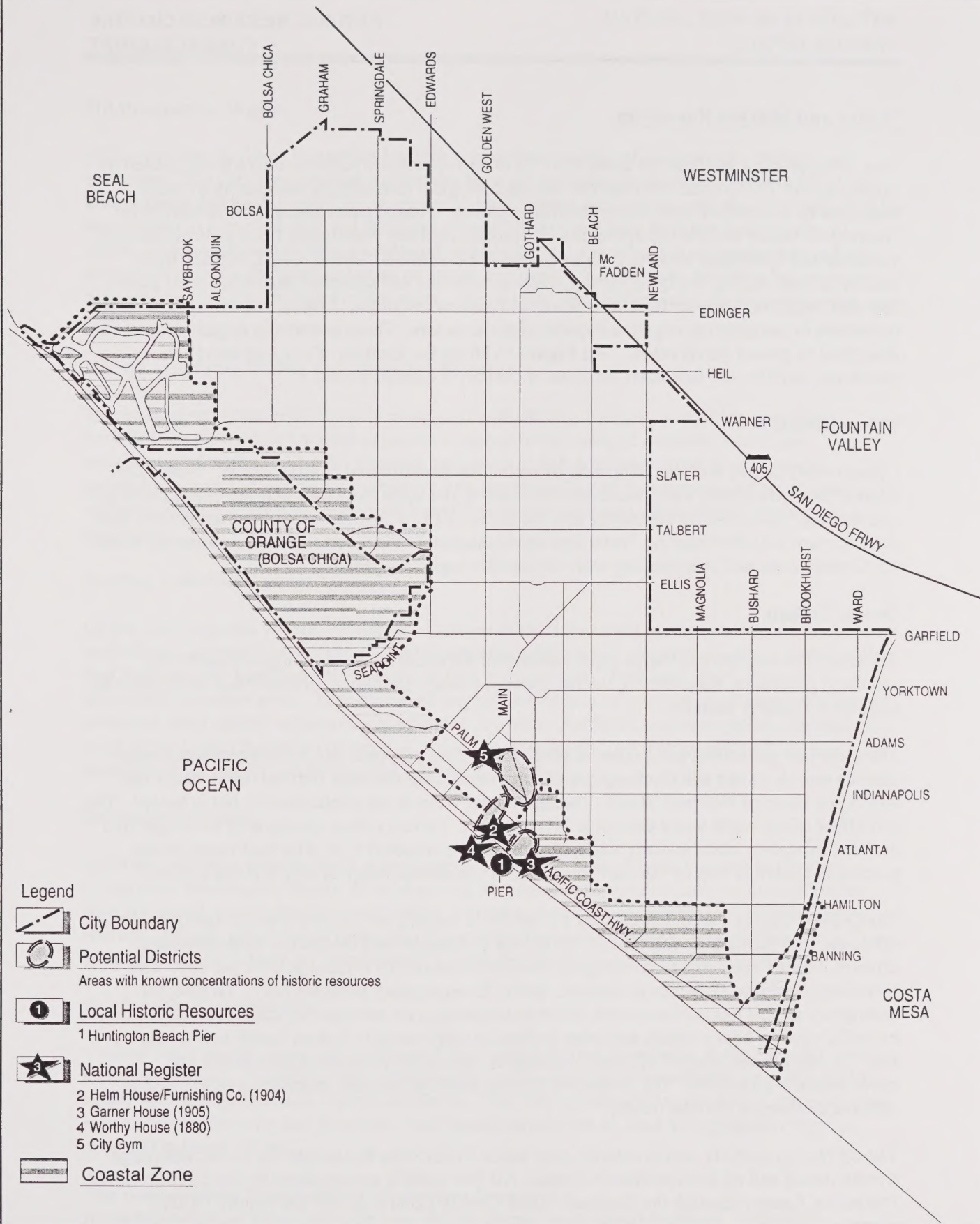


FIGURE C-18



HISTORICAL & CULTURAL RESOURCES IN THE COASTAL ZONE

CITY OF HUNTINGTON BEACH COASTAL ELEMENT

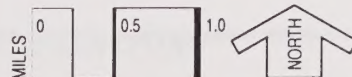


FIGURE C-19

Water and Marine Resources

One of the primary goals of the Coastal Act is to prevent marine resource degradation caused by urbanization. The Coastal Act requires that the biological productivity and quality of these resources be maintained and, where feasible, restored. Coastal water and marine resources in Huntington Beach include the ocean, the Huntington Harbour waterways, flood control channels, wetlands and freshwater sources such as underground aquifers. Urban runoff, outfalls from industrial uses, diking, dredging, filling, boating activities and saltwater intrusion are all factors that may negatively impact the City's water and marine resources. Coastal Element policy strives to remove or mitigate the negative impacts of these factors. These potentially negative factors are described in greater detail below. See **Figure C-20** for the location of existing shoreline structures, outfalls and industrial facilities in the City's Coastal Zone.

Urban Runoff

Urban runoff carries millions of pounds of pollutants annually into coastal waters. The runoff comes from City streets and gutters, as well as all inland areas that drain into regional stormwater and drainage facilities and ultimately into the ocean. Efforts to minimize urban runoff from new development include requiring Water Quality Management Plans for all new development within the Coastal Zone and coordinating with responsible regional agencies.

Ocean Outfalls

There are five outfalls (discharge pipes) located in the ocean off of Huntington Beach: The electrical generating plant outfall, the two Orange County Sanitation District Plant No. 2 outfalls, and two oil facility outfalls.

The electrical generating plant takes in water for cooling purposes and discharges heated water into the sea via intake and discharge pipes that extend from the plant into the ocean under the beach just south of Newland Street. The discharged water is not contaminated, but is heated. The full effect of the warm water discharge is not known. Certain native species may no longer find the area habitable, while warmer water species may be attracted to it. The cool water intake process is known to trap or "entrain" some ocean organisms, many of which die as a result.

The Orange County Sanitation District's Plant No. 2 outfalls are located approximately five miles offshore. The primary outfall pipe is 120 inches in diameter and discharges treated sewage effluent into the ocean off of Huntington Beach at a rate of 180 million gallons per day. The secondary outfall is 78 inches in diameter and is for emergency purposes only. To date, the emergency outfall has not been used. Prior to treatment, raw sewage may contain pathogenic bacteria, viruses, heavy metals and other pollutants detrimental to human health and/or marine life. Ongoing monitoring of effluent discharge is imperative to ensure public health and environmental protection. The Sanitation District employs constant monitoring of the treated effluent discharged into the ocean.

The oil facility outfalls, which extend under Bolsa Chica State Beach into the ocean, discharge treated runoff and oil field production water. All five outfalls are regulated by the Environmental Protection Agency through the Regional Water Quality Control Board and require NPDES permits.

Oil Production Wastes

Oil production facilities located on land are a significant source of wastewater entering City sewerage. The City requires that wastewater from oil activities be cleared to 100 mg of oil/liter before being discharged into City sewerage. Liquid wastes that cannot meet this standard must be transported to approved disposal facilities. Runoff from these land facilities can contain oil, solids, sulfur wastes and drilling muds and their additives. On principal oil production parcels, the runoff must be collected in basins or sumps and treated in separation facilities before being disposed into public sewerage or the ocean. On smaller parcels, the water must be contained on site.

Diking, Dredging, Filling and Shoreline Structures

Detrimental environmental impacts associated with diking, dredging and filling operations include high mortality of marine organisms trapped in the dredged material, burial and smothering of organisms by fill material, reduction of fish populations due to impacts of increased suspended sediments (turbidity), and overcrowding of organisms in adjacent waters. In addition, dredging tends to re-suspend harmful pollutants that may have settled into bottom sediments.

Boating Activities

Of the City's coastal waters, Huntington Harbour is most impacted by contaminants from boating activities. Common boating activity contaminants include small amounts of copper from paints, fuel leakages and boathead wastes (from toilets and kitchens). Boathead discharges are prohibited in harbor areas. Low dissolved oxygen due to lack of circulation or aeration is another potential water quality nuisance in Huntington Harbour. Artificial aeration systems currently exist in the Long Channel to increase dissolved oxygen levels. Additional systems in other side channels in the harbor can be pursued if found necessary.

Saltwater Intrusion

Saltwater intrusion into the fresh water underground aquifers is of great concern in Orange County and Huntington Beach. Over pumping of groundwater reserves can result in saltwater flowing inland toward the freshwater wells. Ongoing monitoring, maintenance of groundwater reserves through water conservation and the construction of artificial salinity barriers are strategies that have been and continue to be implemented to minimize saltwater intrusion.

Interagency Coordination

Coastal water quality issues extend beyond local jurisdictional boundaries to the regional, state and federal levels. A listing of the outside agencies involved in or responsible for water quality issues in Huntington Beach is provided below. The City's Coastal Element policy recognizes the jurisdictional hierarchy and promotes local strategies that can be used to supplement regional, state and national efforts.

The United States Environmental Protection Agency

Implements federal water pollution law. Relies largely on National Pollutant Discharge Elimination System (NPDES) permit process to implement regulations.

The United States Army Corps of Engineers

Regulates diking, dredging and fill activities in coastal waters.

The California State Department of Fish and Game

Regulates diking, dredging and fill activities in coastal waters.

The California State Lands Commission

The CSLC manages the State's property interest in filled and unfilled tidelands, submerged lands and beds of navigable waterways. The Commission regulates diking, dredging and fill activities in coastal waters.

The Santa Ana Regional Water Quality Control Board (RWQCB)

Administers regional NPDES permits. Has jurisdiction over effluent and recycled water.

Orange County Public Facilities and Resources Department (OCPFRD)

Monitors the temperature, acidity, dissolved oxygen content, heavy metals content and other physical parameters of waters in Huntington Harbour, Anaheim, Sunset and Bolsa Bays and inland flood control channels. Reports all testing to RWQCB.

Orange County Department of Health

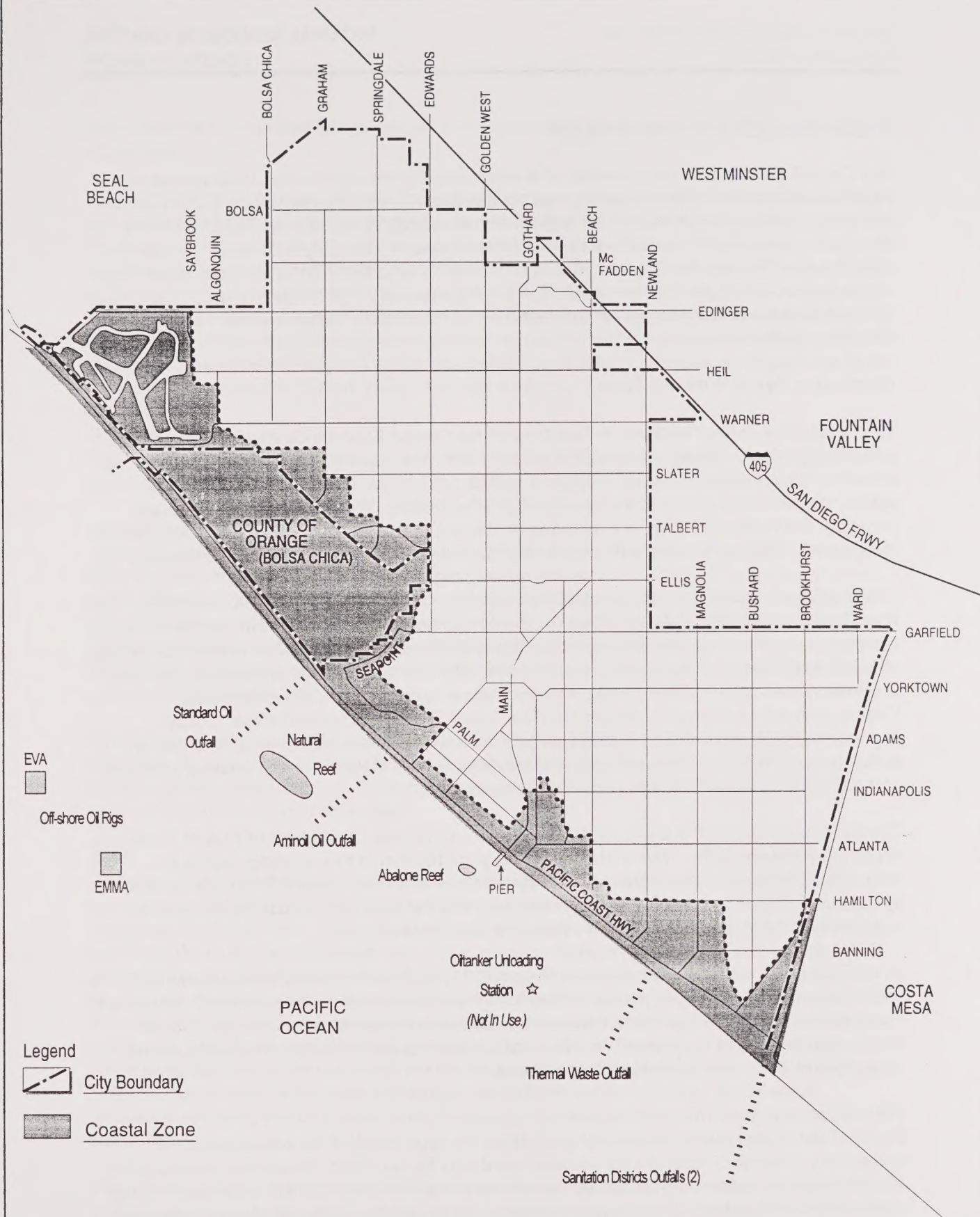
Monitors bacterial levels in Huntington Harbour and in the ocean water off of the County's beaches. Also responsible for testing mussels taken from the Municipal Pier and clams from the Talbert Flood Control Channel for various contaminants. Reports all testing results to the RWQCB.

The Orange County Sanitation District

Maintains a testing operation to monitor effluent as it leaves the sanitation plant and at its outfall. Also tests ocean water at various strategic points near outfall. Reports all testing results to the RWQCB.

Orange County Water District

Responsible for regulation and monitoring of saltwater intrusion in underground water sources.



SHORELINE STRUCTURES

CITY OF HUNTINGTON BEACH COASTAL ELEMENT

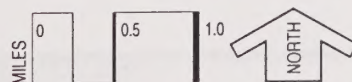


FIGURE C-20

Environmentally Sensitive Habitats

The Coastal Act requires the protection of environmentally sensitive habitat areas against any significant disruption of habitat values. An environmentally sensitive habitat area is defined as any area in which plant or animal life is either rare or especially valuable and could be easily disturbed or degraded by human activities and developments. The City's Coastal Element identifies two "environmentally sensitive habitat areas" within the City: 1) the Huntington Beach wetland areas, and 2) the California least tern nesting sanctuary. (See **Figure C-21.**) The Coastal Element includes policies to protect and enhance environmentally sensitive habitat areas in accordance with the Coastal Act.

Huntington Beach Wetland Areas

The Coastal Act defines wetlands as "land within the Coastal Zone which may be covered periodically or permanently with shallow water." Salt water marshes, freshwater marshes, open or closed brackishwater marshes, swamps, mudflats and fens are included. Throughout the nation, wetland areas are declining as a result of urbanization. Wetland areas are significant primarily due to their function as habitat for animal and plant species, some of which are rare or endangered. They are protected through federal and state regulations, including the Coastal Act.

The Huntington Beach Coastal Zone includes approximately 124.5 acres of land considered to be functional or restorable wetlands. These wetland areas are actually remnants of what was once an extensive coastal marsh system along the Southern California coastline and have been the subject of much study and debate over the years. In 1986, after coordination and negotiations with the landowners, and responsible regional, state and federal agencies, the California Coastal Commission approved what is depicted in this Coastal Element as wetland areas. Today, approximately 92 acres of the wetland area near the Talbert Channel in Huntington Beach are undergoing restoration. The remaining wetland areas west of the electrical generating plant and east of Beach Boulevard are also proposed for restoration.

The Huntington Beach Wetlands, as identified by the California Department of Fish and Game, are depicted on **Figure C-21**. The wetlands support plant life that in turn provides habitat to amphibians, birds and mammals, most notably the California least tern and Belding's savannah sparrow which feed and nest in the area. Examples of other plant and animal life that may be supported by the Huntington Beach Wetlands are listed below.

In addition to the wetland areas shown in **Figure C-21**, a 0.8 acre degraded wetland area has been identified on the undeveloped portion of the Waterfront Development site, near Beach Boulevard. Pursuant to a settlement agreement between the California Coastal Commission, the City of Huntington Beach and the property owner, a conservation easement has been recorded on this property and this wetland area shall be preserved.

Plant Life

Plants of the coastal marsh community grow along the upper reach of the coastal estuarine community where they receive only periodic inundation by sea water. Freshwater streams often flow through this community and dilute the salinity of the seawater. The salt marsh community embodies several distinct components; pickleweed marsh, salt flat, saltwater channel, saltwater pond, and a disturbed component. The dominant plant is common pickleweed. Other common

plants include five-hooked bassia, slender aster, spear saltbush, saltgrass, and to a lesser extent, alkali heath.

Most of the wetland system in Huntington Beach has been cut off from tidal flow for some time and several characteristic salt marsh plants dependent upon daily tidal flushing may have disappeared. Formerly characteristic plants that are now scarce or absent from salt marsh are cordgrass, sea-lavender, shoregrass, annual pickleweed, samphire, and saltwort. Unsuitable soil, hydrologic or physiographic conditions may preclude the presence of some species. Other species are difficult to distinguish from similar common species (annual pickleweed) and may be overlooked. Others are dependent upon periodic inundation with freshwater for germination and may have been adversely affected by the channelization of local freshwater drainages such as the Santa Ana River and the Talbert Valley drainage network.

Wildlife

Salt marsh communities are among the most productive of ecosystems supporting a large wildlife population.

Amphibians

Although most amphibians are not adapted to a marine or estuarine existence, a few species may enter brackish portions of the salt marsh from nearby freshwater habitats. The Pacific treefrog and California (western) toad may be present in the freshwater marsh west of Beach Boulevard, as well as the introduced bullfrog. The garden (Pacific) slender salamander is a widespread inhabitant of moist soils and can thrive even around well-watered lawns and gardens.

Historically, this species lived in riparian woodland along the Santa Ana River, and has since spread into landscaped areas.

Several species of lizards and snakes are expected to occur in the coastal wetlands, above areas of tidal flux. Species likely to occur include Great Basin (western) fence lizard, side-blotched lizard, southern alligator lizard, California (common) kingsnake, San Diego gopher snake, and southern pacific (western) rattlesnake.

Birds

Birds are abundant inhabitants of the coastal wetlands. Salt marshes, salt flats, and estuaries nest more species and larger concentrations of birds per unit area than perhaps any other ecosystem in temperate North America. Migrant and wintering waterfowl, waders, shorebirds, gulls and terns constitute the bulk of avian species that utilize estuarine habitats for foraging and resting. Most nesting birds in coastal salt marshes are the smaller, less conspicuous landbirds. One such species, the Belding's savannah sparrow, is a common inhabitant of pickleweed salt marshes. This subspecies of savannah sparrow, however, has been reduced in numbers, due to habitat loss, and is now considered an endangered species by the California Department of Fish and Game. Other birds that nest in the salt marsh are the song sparrow and western meadowlark in the upper portions, marsh wren in the reeds and sedges, and killdeer on the salt flats. In the small freshwater marshes, breeding birds likely include the red-winged blackbird, song sparrow and marsh wren.

The federal and state endangered California least tern has been observed feeding on mosquitofish in the pond below the electrical generating plant and on small marine fish in the Bolsa Chica area. This usually occurs when its chicks are young and small fish may not be readily available

elsewhere. Presumably, with a tidal connection and a more diverse fish fauna, least terns would utilize the salt marsh channels and ponds to a greater degree than they do presently.

The freshwater wetlands do not support the diverse bird population that its saltwater counter part does. Occasionally long-legged waders such as the black-crowned night-heron or dabbling ducks may be found feeding. Birds more typical of other habitats may use these areas as a water source for drinking and bathing. Terrestrial species expected around the freshwater wetlands include black-chinned hummingbird, ash-throated flycatcher, house wren, common yellowthroat, orange-crowned warbler, California towhee, brown-headed cowbird, and the common house finch.

Mammals

The most conspicuous mammal in the salt marsh is the Audubon's cottontail. Other mammals presumed to be plentiful here are the black-tailed hare, California (Beechey) ground squirrel, Botta's pocket gopher, deer mouse and several nocturnal rodents, such as the western harvest mouse, house mouse, and Norway rat. Predators such as the Virginia opossum, coyote, long-tailed weasel, red fox, and striped skunk are also likely to be present.

California Least Tern Nesting Sanctuary

The California least tern is listed on the federal and state endangered species lists. It is a native to Southern California coastal salt marshes and nests on sandy beaches close to wetlands and estuaries where they feed on small fish. Encroaching development has resulted in loss of feeding grounds, and heavy recreational use of sandy beaches has disrupted natural nesting areas. These factors have threatened the existence of the least tern. To help protect the California least tern from extinction, a permanent, fenced five-acre nesting area was established in 1969 on the Huntington Beach State Beach near the Santa Ana River mouth. The nesting sanctuary is maintained by the State Department of Parks and Recreation and is considered to be one of the most successful nesting colonies in the State.



ENVIRONMENTALLY SENSITIVE HABITATS AS DEPICTED BY THE DEPARTMENT OF FISH AND GAME

CITY OF HUNTINGTON BEACH COASTAL ELEMENT



FIGURE C-21

Energy Facilities

The Coastal Act provides for the locating of coastal dependent facilities within the Coastal Zone, subject to certain criteria and limitations. Huntington Beach's coastal area is a center for important energy-related and industrial activities that are coastal dependent, including oil wells, extraction, separation and transport facilities and a regionally serving electrical generating plant. Recognizing the greater than local significance of the City's energy resources, Coastal Element policy allows for the continuation, and in some cases expansion, of these facilities while ensuring the community's public health and safety, environmental protection and minimization of negative aesthetic impacts to the maximum extent feasible. Existing energy facilities in the City's Coastal Zone are listed below and depicted in **Figure C-22**.

Oil Related Facilities

A portion of the City's Coastal Zone is situated above the seventh largest oil field in California, including the Talbert, Sunset Beach, West Newport and Huntington Beach oil fields. Wells from offshore platforms and onshore sites tap these underground pools. The Coastal Zone also accommodates facilities to treat, store and transport the oil and gas extracted through these wells. These oil fields and several others associated with the Newport-Inglewood Fault Zone have produced more than five billion barrels of oil to date. (General Plan Technical Background Report – 1996.) Records indicate that oil fields in Huntington Beach produce over 4 million barrels of oil annually. The trend has been an annual decrease in oil production from area facilities. Oil activities are being replaced with other land uses as the value of land increases. This trend is expected to continue and existing oil operations are anticipated to decrease over the plan horizon of this Coastal Element.

Oil Wells/Extraction Facilities

There are approximately 257 oil wells in the City's Coastal Zone (City of Huntington Beach, Oil Production Tax Rolls as of 2/99). The largest grouping of these wells (a total of 126) is located on the north side of Pacific Coast Highway between Goldenwest Street and the City corporate boundary (Figure C-10, Sub-area 4B). The site is owned by Aera Energy, LLC. The property owner has informed the City that it intends to continue oil activities on the site for another 15 to 20 years. In the downtown area, there are several individual wells, or small groupings. Increased land values and diminishing returns for small scale oil operations have led to a significant reduction in oil wells in the Coastal Zone. Although Coastal Element policy provides for existing oil operations to remain, it is anticipated that such facilities will continue to phase out to make way for planned land uses.

Separation and Treatment Facilities

Wells typically extract a mixture of water, oil and gas. These fluids must be separated from each other before processing or, in the case of wastewater, disposed. A large scale separation plant exists within the Palm/Goldenwest oil field, smaller scale facilities are located within the downtown area, at Atlanta Avenue and Lake Street, and near the sewage treatment plant at Brookhurst Street.

Pipelines

Underground pipelines transport crude oil, refined products, natural gas, and natural gasoline in the Coastal Zone. Crude oil is shipped from the fields to refineries outside the City. The principal route is Goldenwest Street. Smaller pipes gather fluids from the wells to treatment facilities.

Most of these are located north of Lake Street. Refined products are transported in a pipeline along Newland Street that connects to the electrical power plant.

Offshore Platforms

Two oil platforms are currently located within three miles off of the City's shoreline. One transports crude oil to facilities located at the Palm/Goldenwest site, and the other transports crude oil via a pipeline to a location outside the Coastal Zone on Heil Avenue. Two platforms are located approximately nine miles offshore along the intercontinental shelf. These facilities pipe crude oil to facilities in Long Beach. Additional oil platforms off of the City's shoreline are not anticipated or desired due to the risk of oil spills and related negative impacts.

Marine Terminal

A marine terminal is located approximately 1.3 miles off of the Huntington Beach shoreline. The terminal is presently not in use. Previously, the terminal was used for unloading crude oil from tankers into a pipeline. The oil was then piped onshore near Beach Boulevard. Re-activation of the marine terminal would require approval from the City and outside agencies. Re-activation of the existing marine terminal is not desired, nor are new marine terminals along the City's shoreline. Coastal Element policy reflects this.

NESI (Ascon) Site

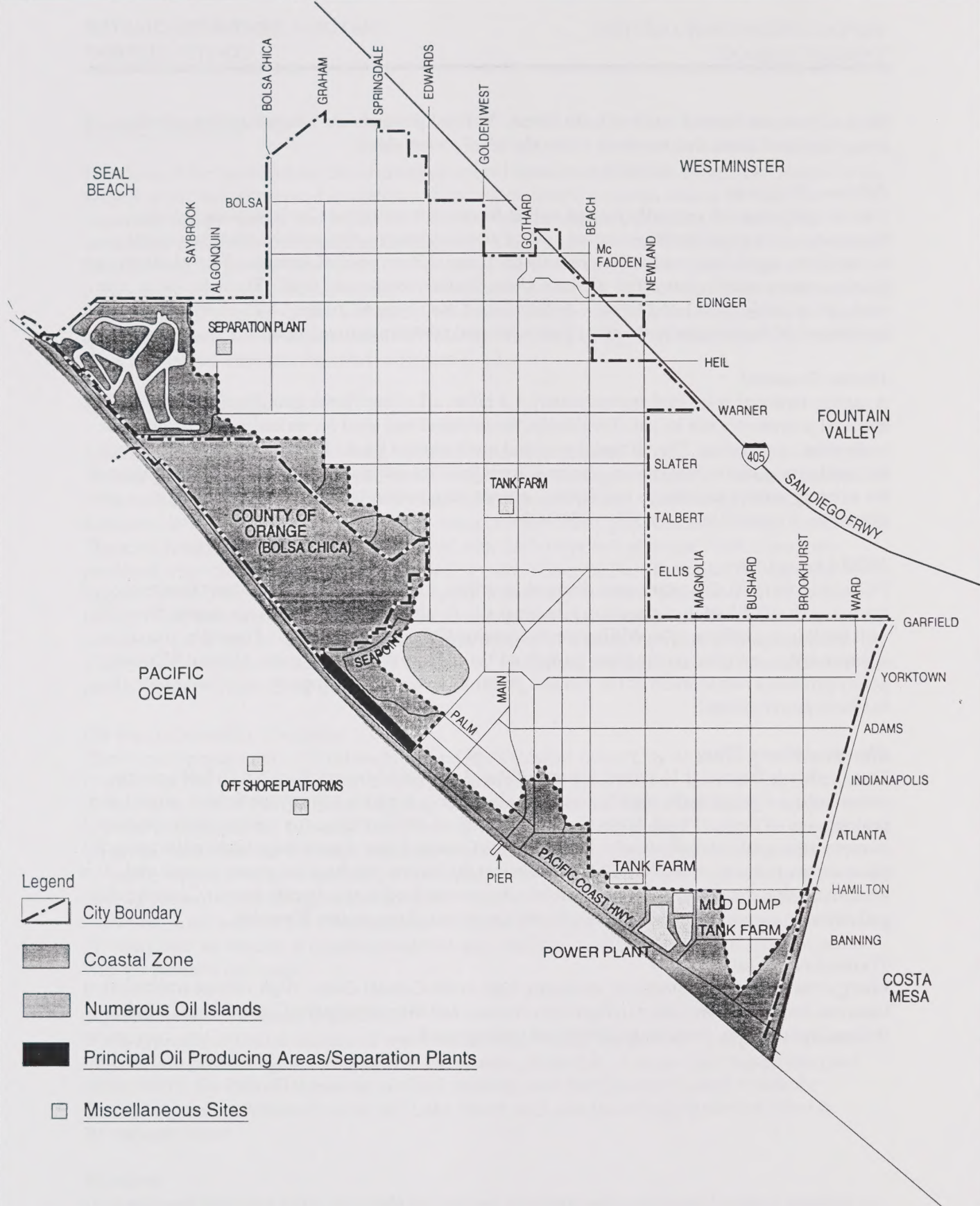
From 1950 to 1970, the rotary mud dump at Hamilton Avenue and Magnolia Street (currently known as the NESI site) was used as a disposal site for drilling muds, which are wastes from oil well drilling operations. The drilling muds contained hazardous materials. Presently, the site is inactive and is included on the State Superfund list of hazardous waste sites. Coastal Element policy promotes remediation of the site and prohibits re-use of the property unless and until this has been accomplished.

Electrical Power Plant

This facility is located at Newland Street and Pacific Coast highway. Four fossil-fuel powered steam turbines generate the plant's base load electricity. A single natural gas turbine is used as a peaking unit at times of high demand. Four substations which reduce the voltage from the plant to more manageable levels are also located in the Coastal Zone. Seven large tanks adjacent to the plant are available to store the fuel oil used to fire the boilers in which the steam is produced. It is anticipated that the power plant will continue to operate for the next twenty years. Coastal policy and adjacent vacant land provide opportunity for potential expansion, if needed.

Transmission Lines

Energy transportation systems are important uses in the Coastal Zone. High voltage transmission lines run from the power plant to Hamilton Avenue and then outside the Coastal Zone. High voltage transmission lines cannot be placed underground.



ENERGY FACILITIES

CITY OF HUNTINGTON BEACH COASTAL ELEMENT



FIGURE C-22

Water, Sewer and Drainage Facilities

Coastal Act policy calls for public works facilities to be designed and, in some cases, limited to accommodate needs generated by development or uses permitted in accordance with the Coastal Act. Public works facilities include sewer, water, drainage and circulation systems. Issues pertaining to water, sewer and drainage facilities in the Coastal Zone are discussed below. Circulation infrastructure is discussed previously under the heading of Shoreline and Coastal Resource Access.

In general, the City's infrastructure systems are designed on a city-wide, or regional service need basis, and are not limited to the boundaries of the Coastal Zone. Prior to adopting the General Plan Land Use Map in 1996, which includes the Coastal Zone Land Use Map, several technical studies were undertaken to determine what levels of infrastructure would be needed to support the land use plan when fully developed. The studies concluded that improvements to existing systems will be required in order to meet projected needs. The Utilities Element of the General Plan addresses water, sewer and drainage needs for the entire City. The Growth Management Element of the General Plan addresses phasing and funding needs. Coastal Element policy is consistent with the Utilities and Growth Management elements in its objective to ensure adequate infrastructure for existing and planned land uses within the Coastal Zone.

Water Supply, Transmission and Distribution

The Huntington Beach Public Works Department is responsible for supplying water to City residents and non-residential users. Approximately seventy-five percent of the City's water is supplied by groundwater wells, the remainder is imported through the Metropolitan Water District (MWD) from the Colorado River and State Water Projects. Pricing structures for MWD water are established by the MWD to encourage use during periods of surplus and discourage use during periods of deficiencies. Likewise, the Orange County Water District (OCWD) manages groundwater pumping for the underground basin and through basin assessments regulates members' production from the groundwater basin. The groundwater basin managed by the OCWD will continue to increase groundwater replenishment to accommodate increased groundwater production. There are currently 13 potable water groundwater wells located in the City. Five of the wells are inactive due to poor water quality or are incomplete and lack pumping equipment. The City also has three wells used for irrigation purposes only. None of the wells are located in the Coastal Zone due to potential saltwater intrusion issues. Seawater intrusion is managed by the OCWD through the use of barrier injection wells. Studies have concluded that the City's water supply is adequate to serve the anticipated future population and land use. Growth in the City will be accommodated by increased MWD purchases and groundwater production. Coastal Element policy promotes water conservation measures and strategies to prevent groundwater contamination from saltwater intrusion.

With current technology, desalinization has not proven to be a cost-effective method for producing potable water as an alternative to pumping it out of the underground basin or purchasing it from the MWD. However, as technological advances occur, the use of desalinized water may become cost effective in the future and should continue to be considered as an alternative water source for possible future use. As such, Coastal Element policy supports investigating the feasibility of using desalinized ocean water for potable water in the region. Coastal Element policy does not identify a site within Huntington Beach to accommodate a desalinization plant, nor does it assume that such a plant would be located within the city. Regional, interagency coordination and feasibility studies are encouraged.

While supply does not appear to be an issue, studies reveal an inadequacy in the amount of emergency and reserve storage and booster pumping capacity for present day and future demands. The City's water storage system consists of the Overmyer Reservoirs Nos. 1, 2 and 3 and the Peck Reservoir. All are located within the City, but outside of the Coastal Zone. The Peck Reservoir capacity is 16 million gallons and the Overmyer Reservoirs' combined capacity is 24 million gallons. The reservoirs serve as regulating reservoirs for peak demands and provide storage for planned outages and emergencies. The reservoirs generally fill with water during nighttime low demand periods with imported MWD water or groundwater and drain during the daytime high demand periods. Booster pumping facilities pump water from the reservoir storage into the water distribution system to maintain adequate supply during peak periods to supplement groundwater and MWD water supplies.

Improvements to increase the City's water storage capacity will be achieved with the addition of new reservoirs and increased capacity at existing reservoirs. A new Ellis-Edwards Reservoir with a nine million gallon capacity, and a nine million-gallon expansion next to the Peck Reservoir are currently under construction, and an expansion of the Talbert Valley Reservoir site is under consideration. Other new reservoir sites are under investigation, including potential sites within the Coastal Zone. Booster pumping capacity will also be expanded as appropriate, with the new expanded storage. In addition, data acquisition and control systems for water storage will be modernized to allow for enhanced monitoring and control capabilities under both normal operations and emergencies. The City's water distribution system consists of over 480 miles of water lines ranging in size from 2 to 42 inches in diameter. Improvements in the piping system are implemented as older deteriorated or undersized pipes are replaced. This will eliminate flow restrictions and help to accommodate future demands. Coastal Element policy mirrors General Plan policy by calling for an adopted Water Master Plan to be implemented to address identified water storage, booster and distribution system deficiencies.

Sanitation Treatment and Sewerage

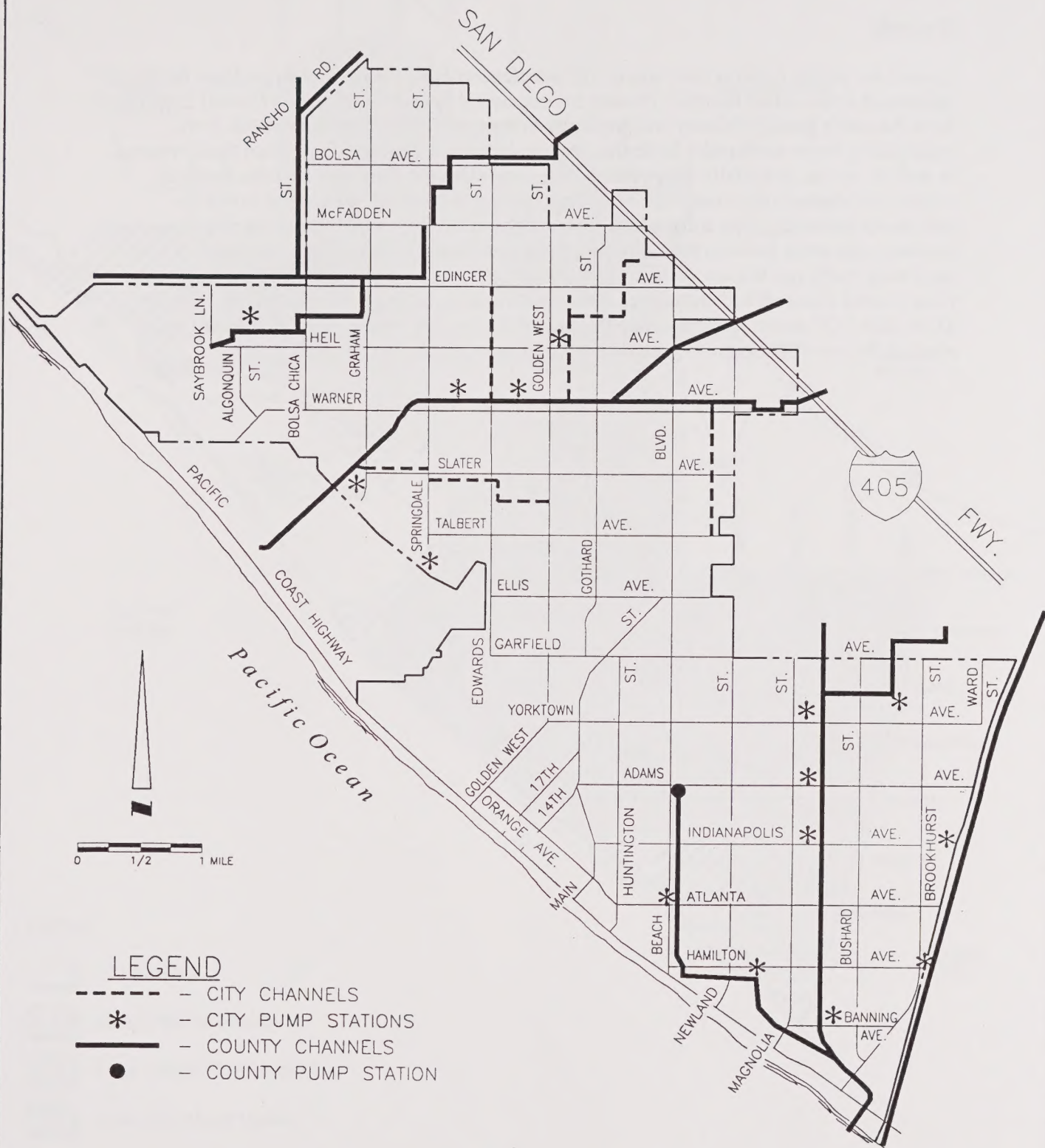
Sanitation Treatment and Sewerage services are provided by the Orange County Sanitation District (OCSD) and the City of Huntington Beach Public Works Department, Engineering Division. Two OCSD treatment plants serve Huntington Beach. Plant No. 1 treats wastewater generated by other cities and the northern portion of Huntington Beach. Plant No. 2 treats the remainder of the City's sewage. The OCSD has developed improvement plans for the plants to serve the needs of the City through the year 2050. This includes buildout of the City's Coastal Land Use Map.

The existing sewage collection system consists of major trunk lines, smaller feeder lines, and lift stations. The City's Public Works Department is responsible for the local level of service while the OCSD is responsible for the regional service. Deficiencies in the City's pipeline and pump station system have been identified through recent studies. The Coastal Zone, specifically the older Downtown area, includes sewage facilities that are dated and in need of maintenance, repair and/or upgrade. In addition, there are numerous sewer lift stations in the City that are in need of repair and/or replacement. Many of these facilities are in the Coastal Zone. The City has identified the deficiencies and has plans in place to correct them. Coastal Element policy mirrors General Plan policy by calling for master plans and capital improvement programs to ensure adequate sewage facilities to meet the demands of permitted development.

Storm Drainage

The purpose of the storm drainage system is to protect residents and development from flooding by removing water runoff from streets and transporting it to the ocean. The storm drainage system in Huntington Beach is operated by the Orange County Flood Control District (OCFCD) and the City of Huntington Beach Public Works Department. The system includes drainage channels and pumping stations. The City's original drainage system was designed to accommodate 25 year flood events or less; the standard at the time. Recent improvements have been made to the Santa Ana River channel to accommodate up to a 100 year storm event; today's design standard. It is the goal of the OCFCD and City to improve the drainage system in Huntington Beach to today's standards where feasible and appropriate. The OCFCD is responsible for regional flood control facilities that traverse the City. The City is responsible for its own sub-regional and local drainage facilities. The majority of the City's drainage facilities is eligible for improvements by the OCFCD and are slated for improvement as funding permits. Some of these facilities are located in the Coastal Zone. Coastal Element policy calls for adequate storm drainage facilities for the Coastal Zone and requires that a master plan and capital improvement program be developed and implemented.





DRAINAGE CHANNELS AND PUMPING STATIONS

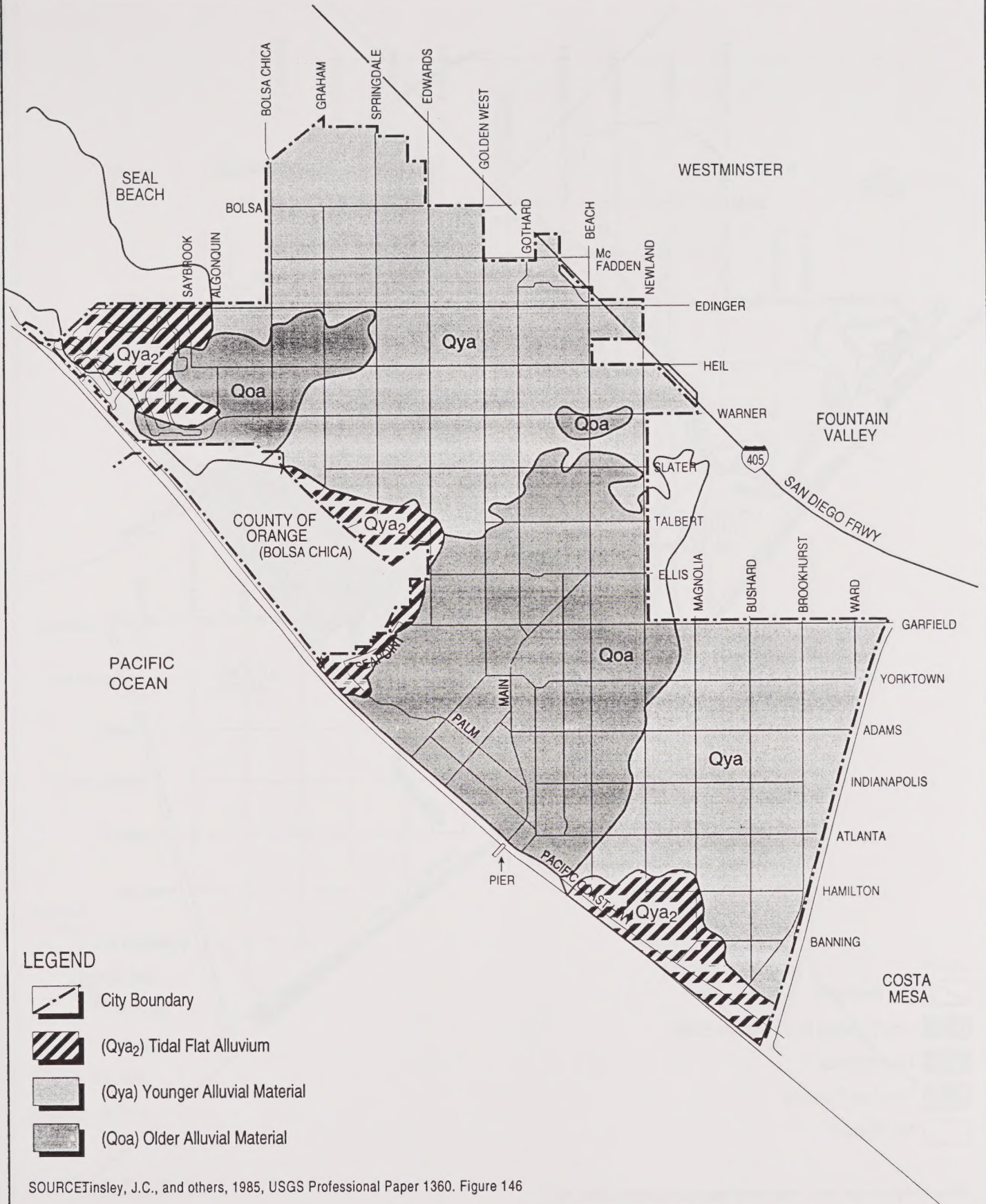
CITY OF HUNTINGTON BEACH COASTAL ELEMENT



FIGURE C-24

Hazards

Coastal Act policy requires that risks to life and property from flood, fire and geologic factors be minimized to the extent feasible. Natural environmental hazards in the City's Coastal Zone result from the area's geologic history and proximity to the ocean. The Coastal Zone has three geologically active earthquake faults that are part of a larger Newport-Inglewood fault structure, as well as several potentially active faults. The City's Coastal Zone also contains peat and organic soil deposits that contribute to methane gas generation and release and have high subsidence potential. Clay soils, which have a high expansion potential, are also prevalent. Further, some areas between the Santa Ana River and Beach Boulevard and between the northwest bluffs and Warner Avenue are at a lower elevation than the river and the connecting flood control channels and are subject to potential flooding during a 100 year storm. Figures C-25 through C-35 depict hazards within the City of Huntington Beach. Coastal Element policy requires that new development provide mitigation to minimize hazard risks.



SURFACE GEOLOGY

CITY OF HUNTINGTON BEACH COASTAL ELEMENT

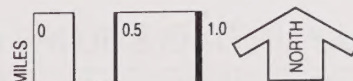
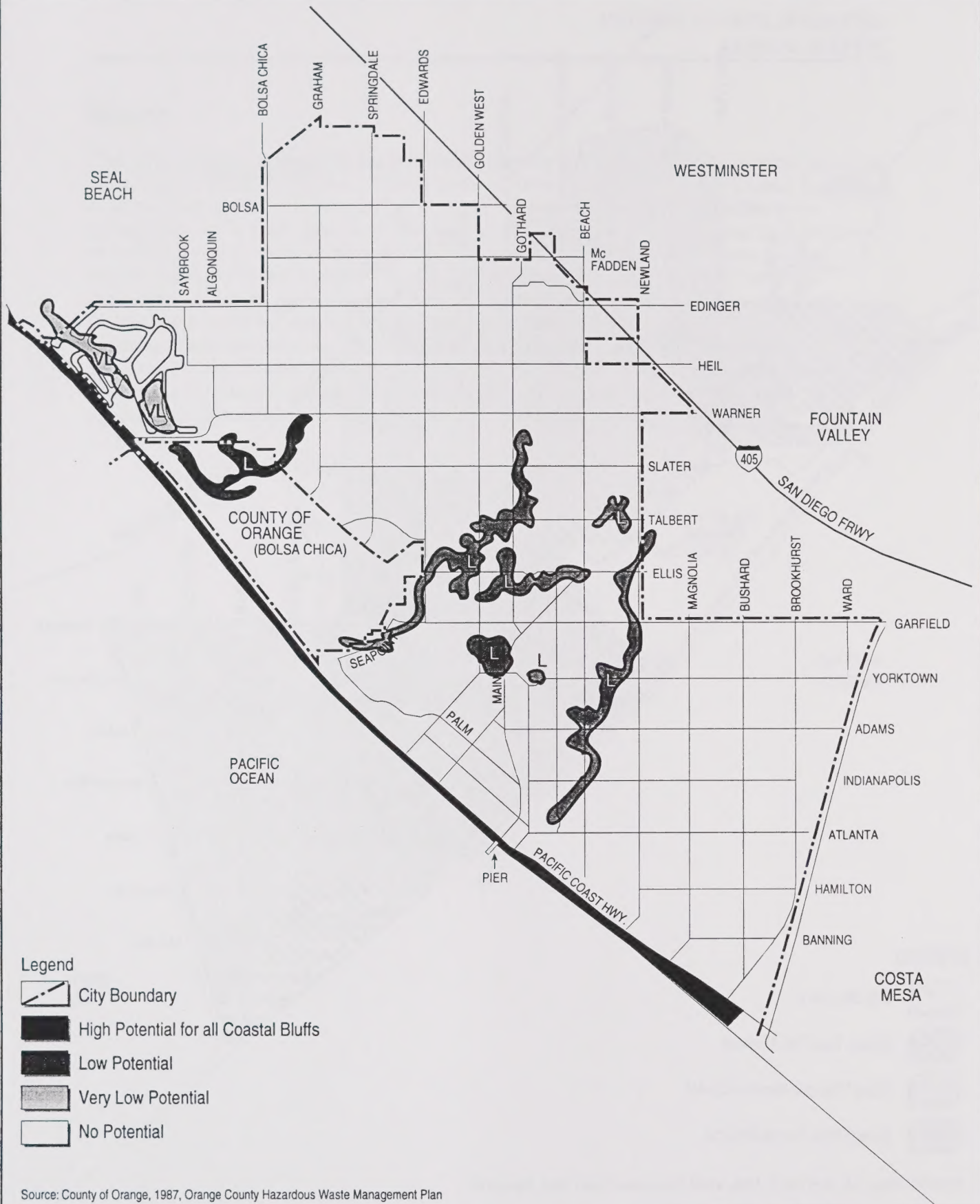


FIGURE C-25



POTENTIALLY UNSTABLE SLOPE AREAS CITY OF HUNTINGTON BEACH COASTAL ELEMENT

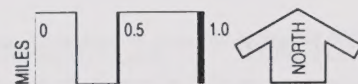
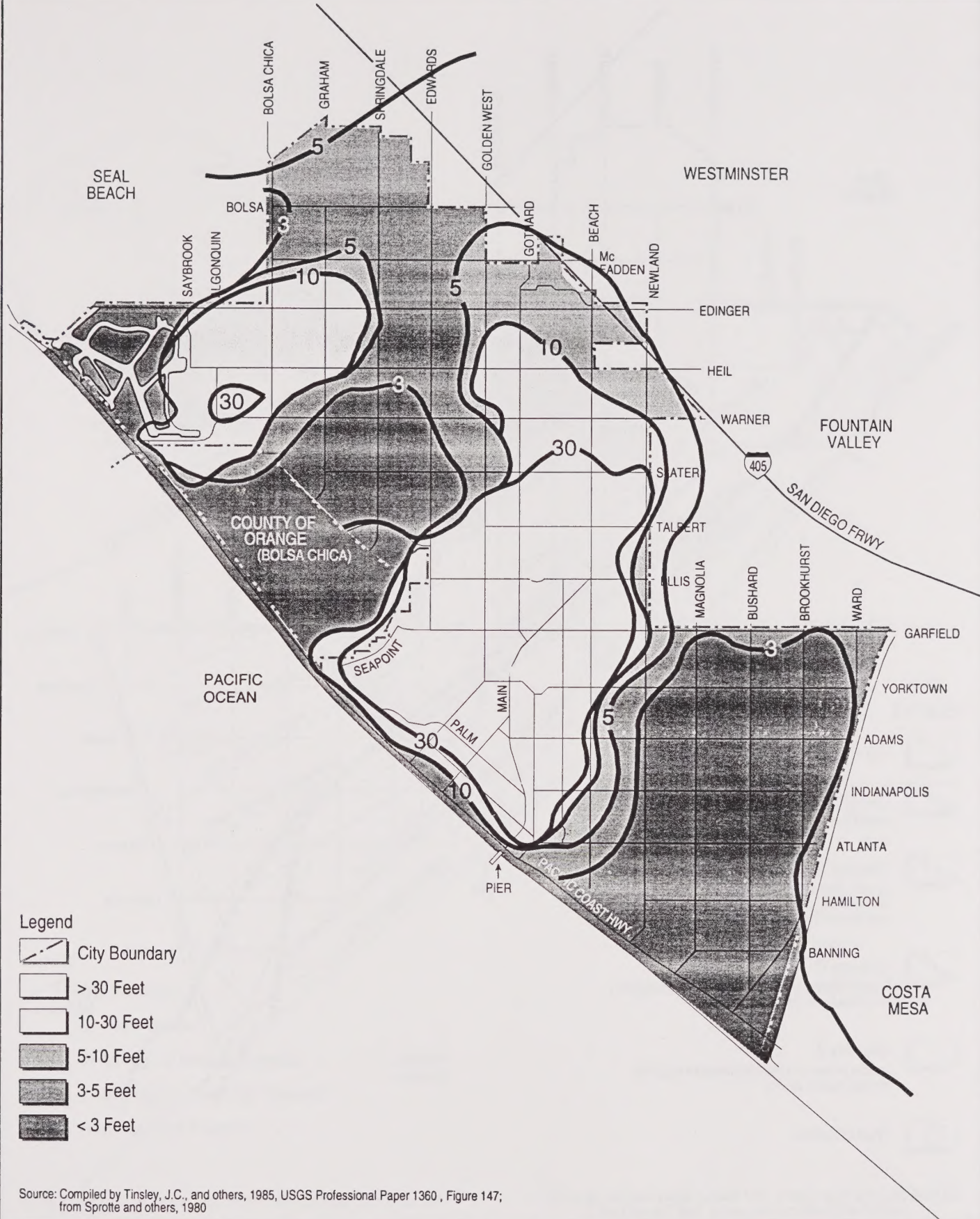


FIGURE C-26



NEAR SURFACE WATER

CITY OF HUNTINGTON BEACH COASTAL ELEMENT

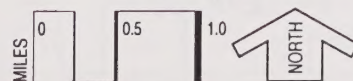
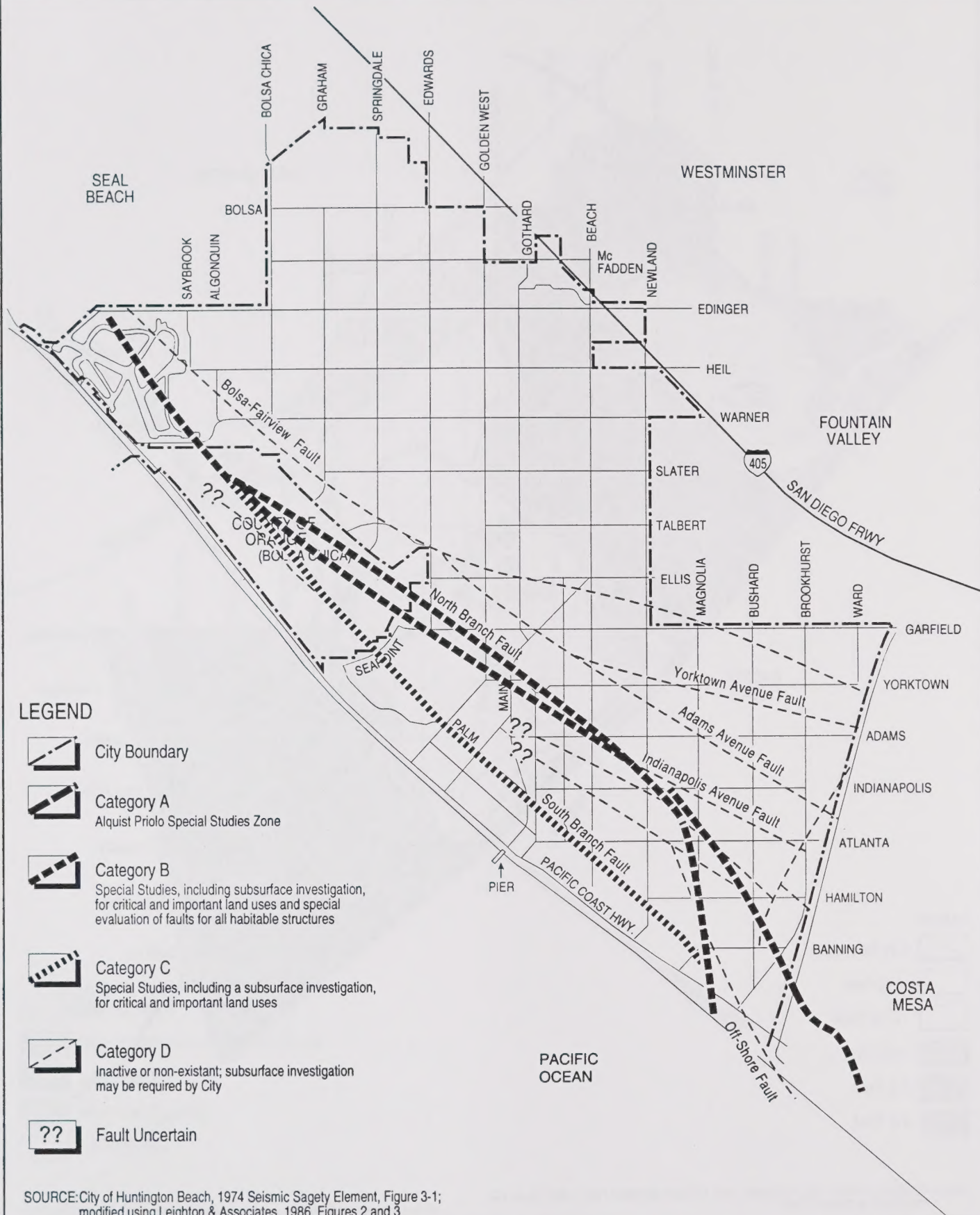


FIGURE C-27



SOURCE: City of Huntington Beach, 1974 Seismic Safety Element, Figure 3-1;
modified using Leighton & Associates, 1986, Figures 2 and 3

NEWPORT - INGLEWOOD FAULT ZONE

CITY OF HUNTINGTON BEACH COASTAL ELEMENT

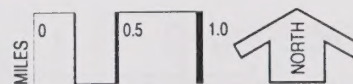
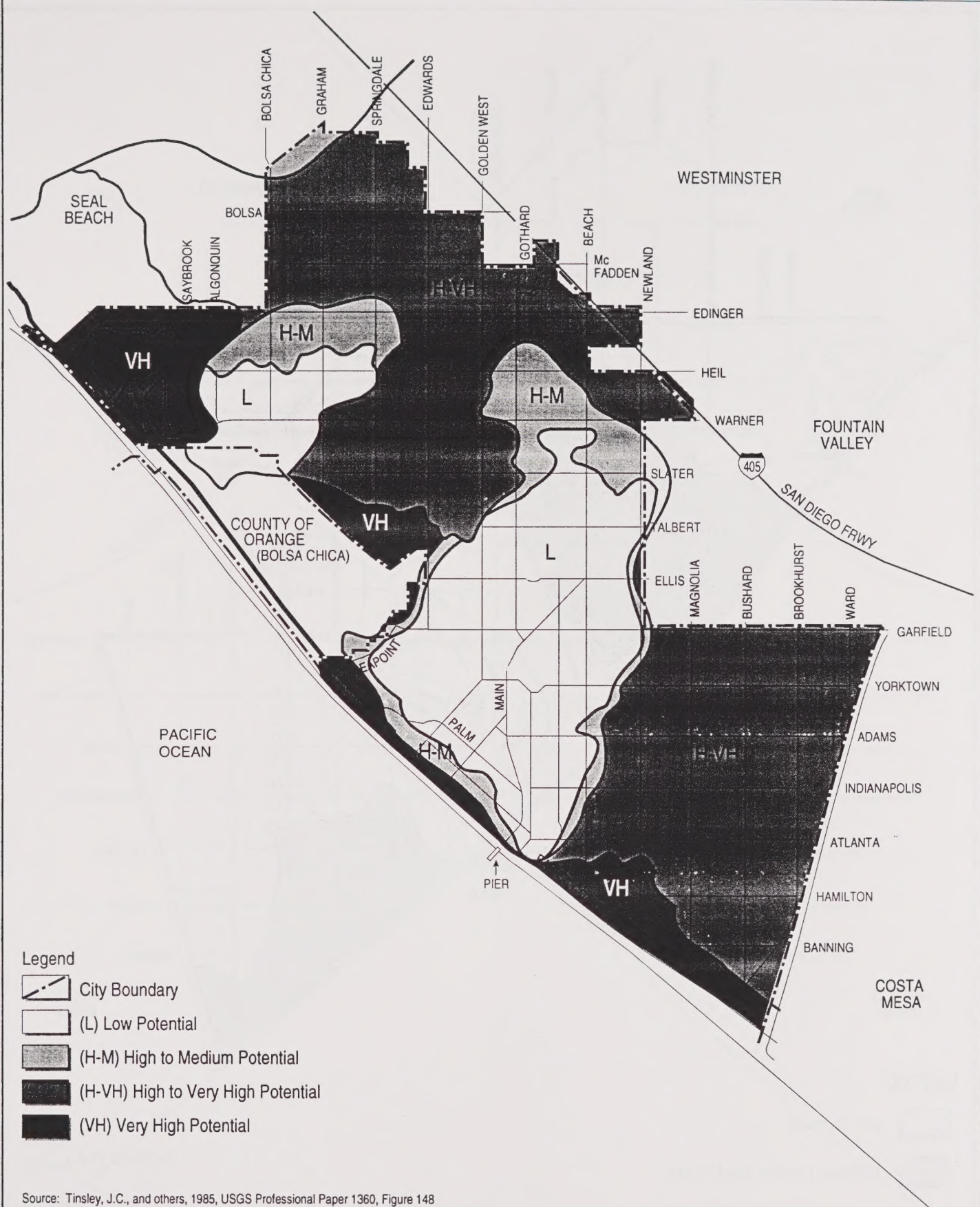


FIGURE C-28



LIQUEFACTION POTENTIAL

CITY OF HUNTINGTON BEACH COASTAL ELEMENT

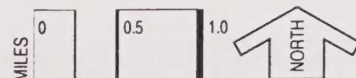


FIGURE C-29

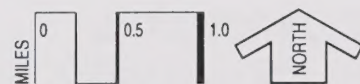
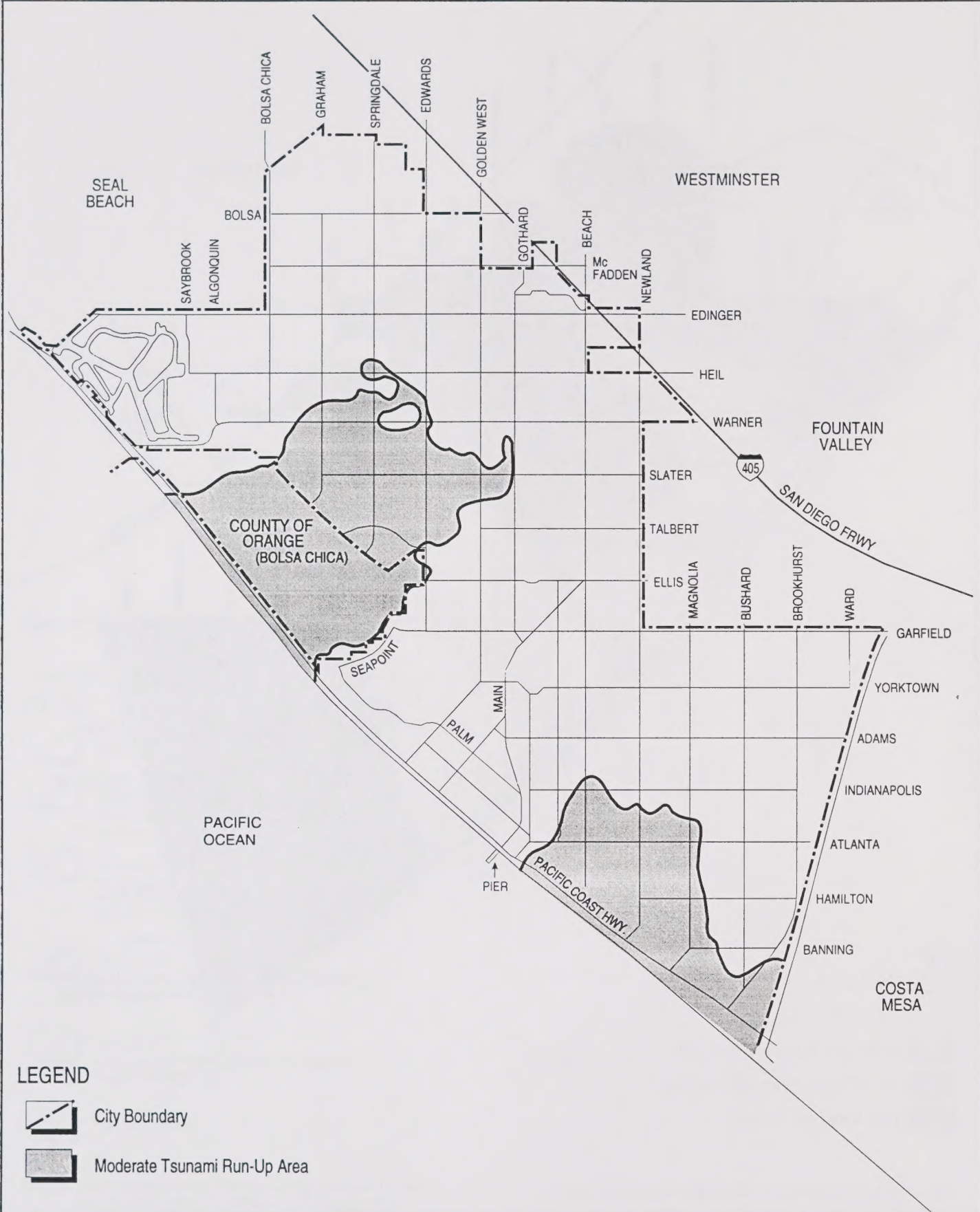
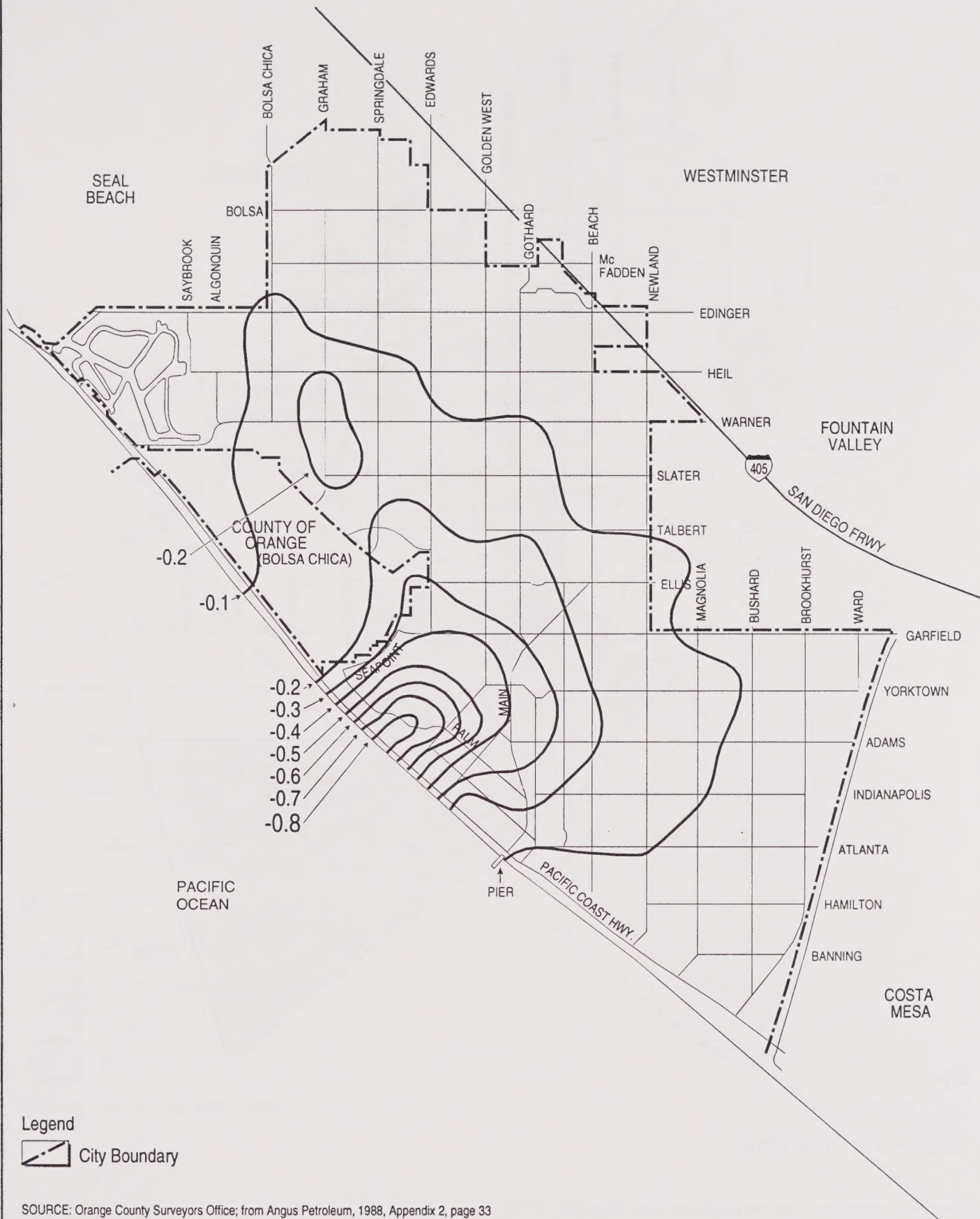


FIGURE **C-30**



Legend

 City Boundary

SOURCE: Orange County Surveyors Office; from Angus Petroleum, 1988, Appendix 2, page 33

SUBSIDENCE AREAS FROM 1976 - 1986

CITY OF HUNTINGTON BEACH COASTAL ELEMENT

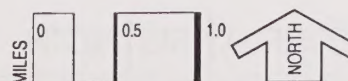
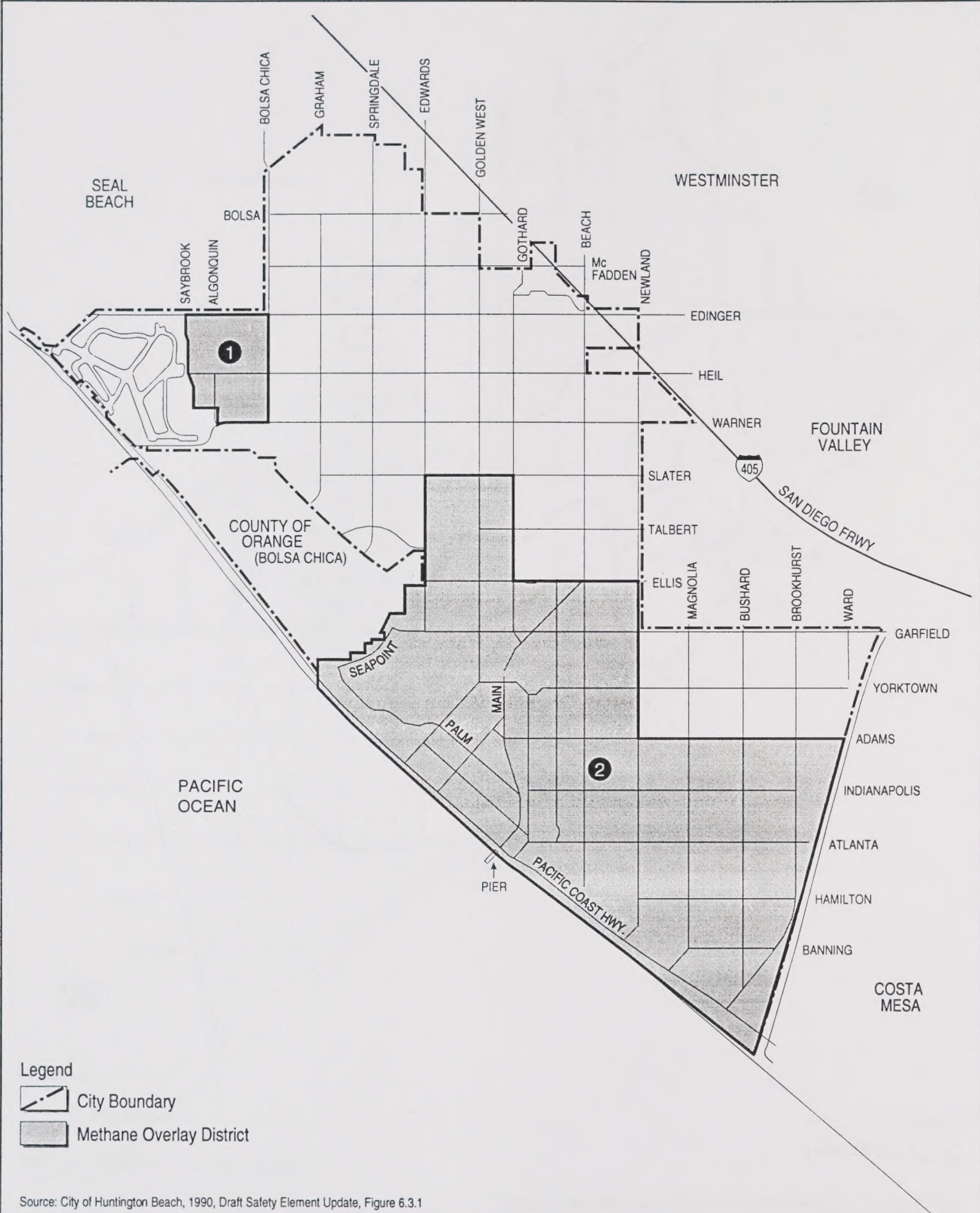
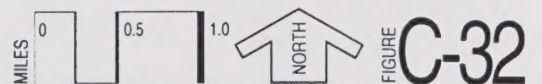


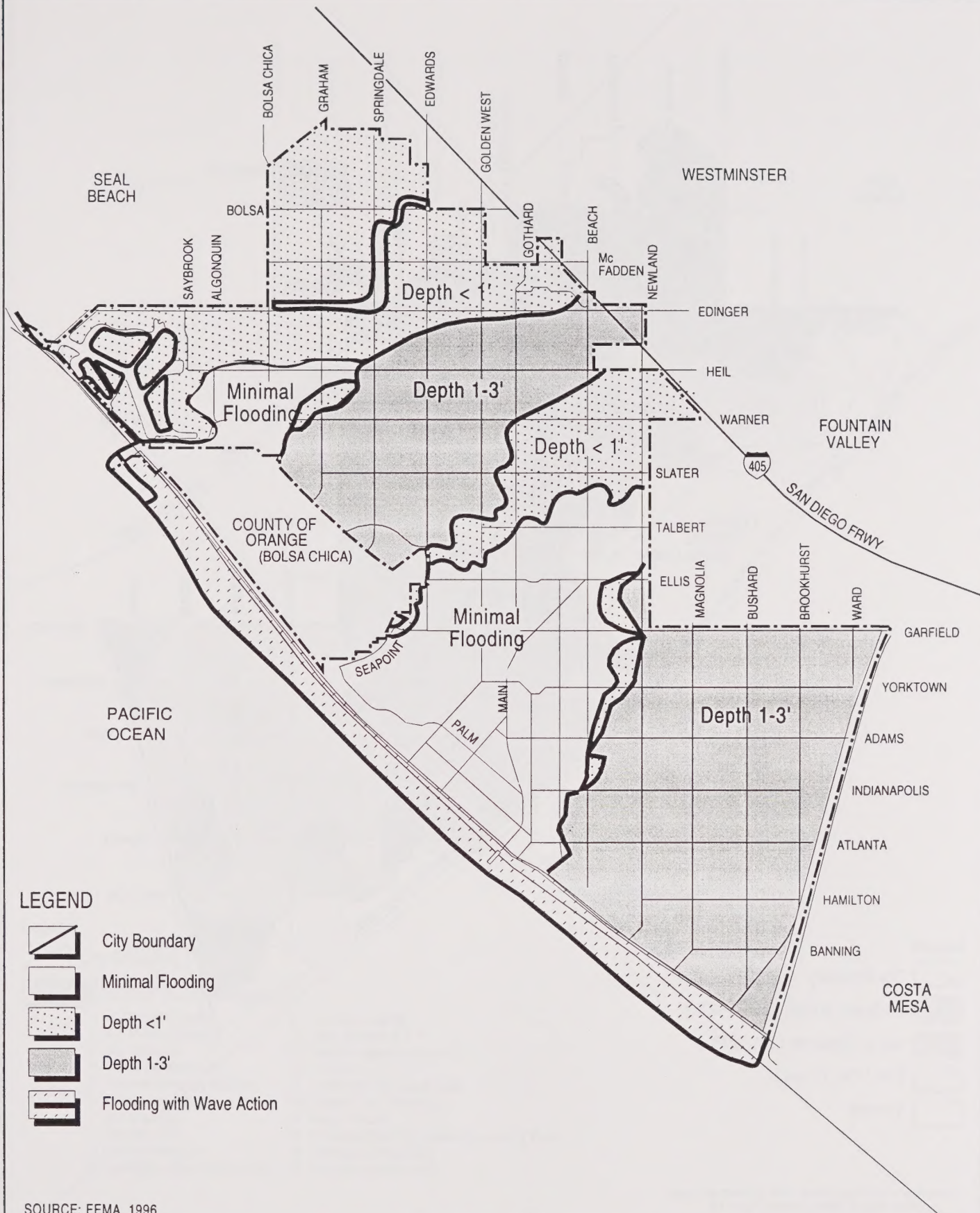
FIGURE C-31



METHANE OVERLAY DISTRICTS

CITY OF HUNTINGTON BEACH COASTAL ELEMENT





SOURCE: FEMA, 1996

100 & 500 YEAR RAIN FLOOD LEVEL

CITY OF HUNTINGTON BEACH COASTAL ELEMENT

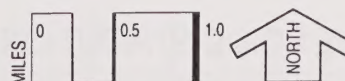
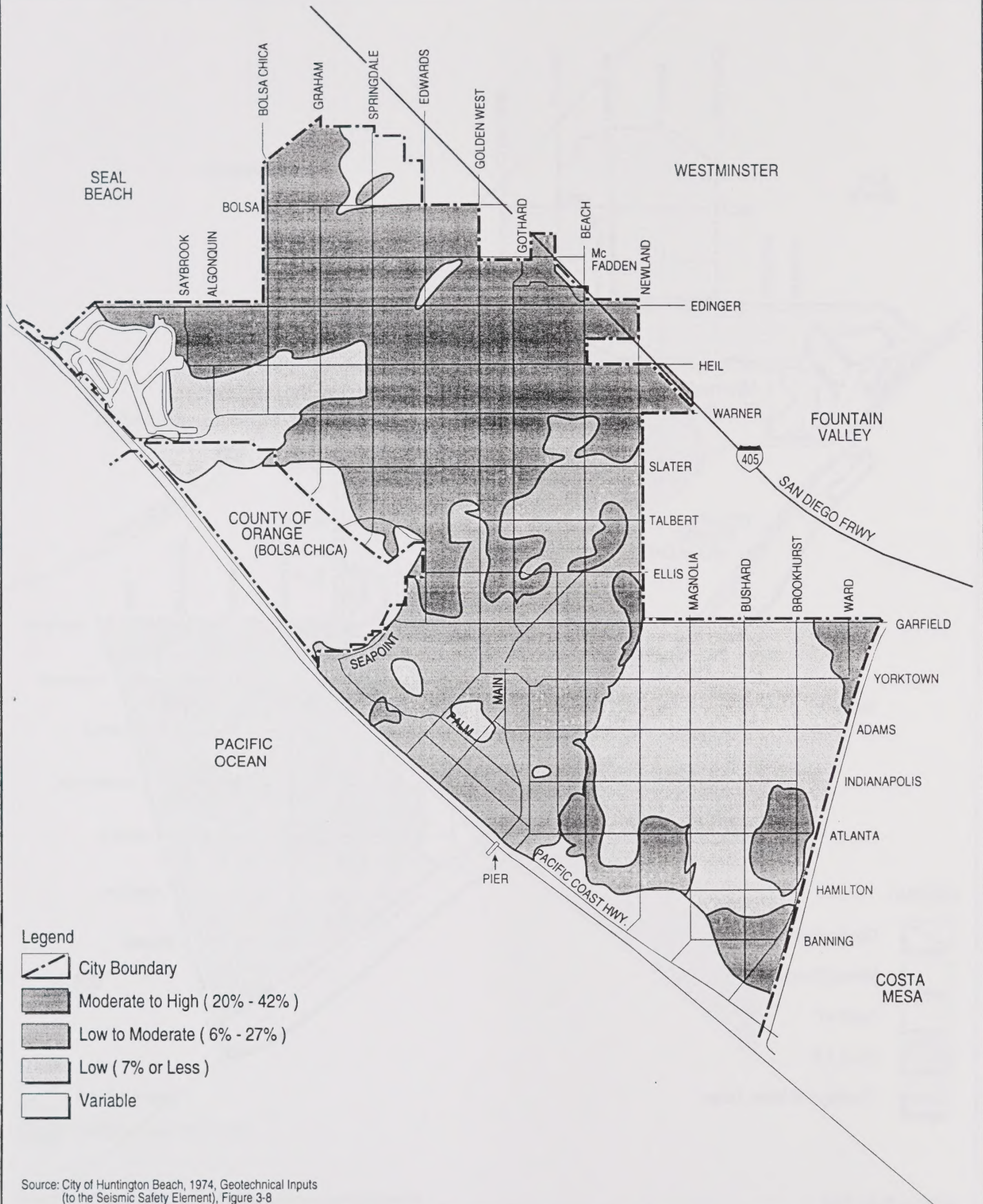


FIGURE C-33



EXPANSIVE SOIL DISTRIBUTION MAP CITY OF HUNTINGTON BEACH COASTAL ELEMENT

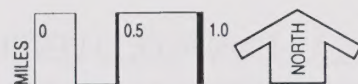
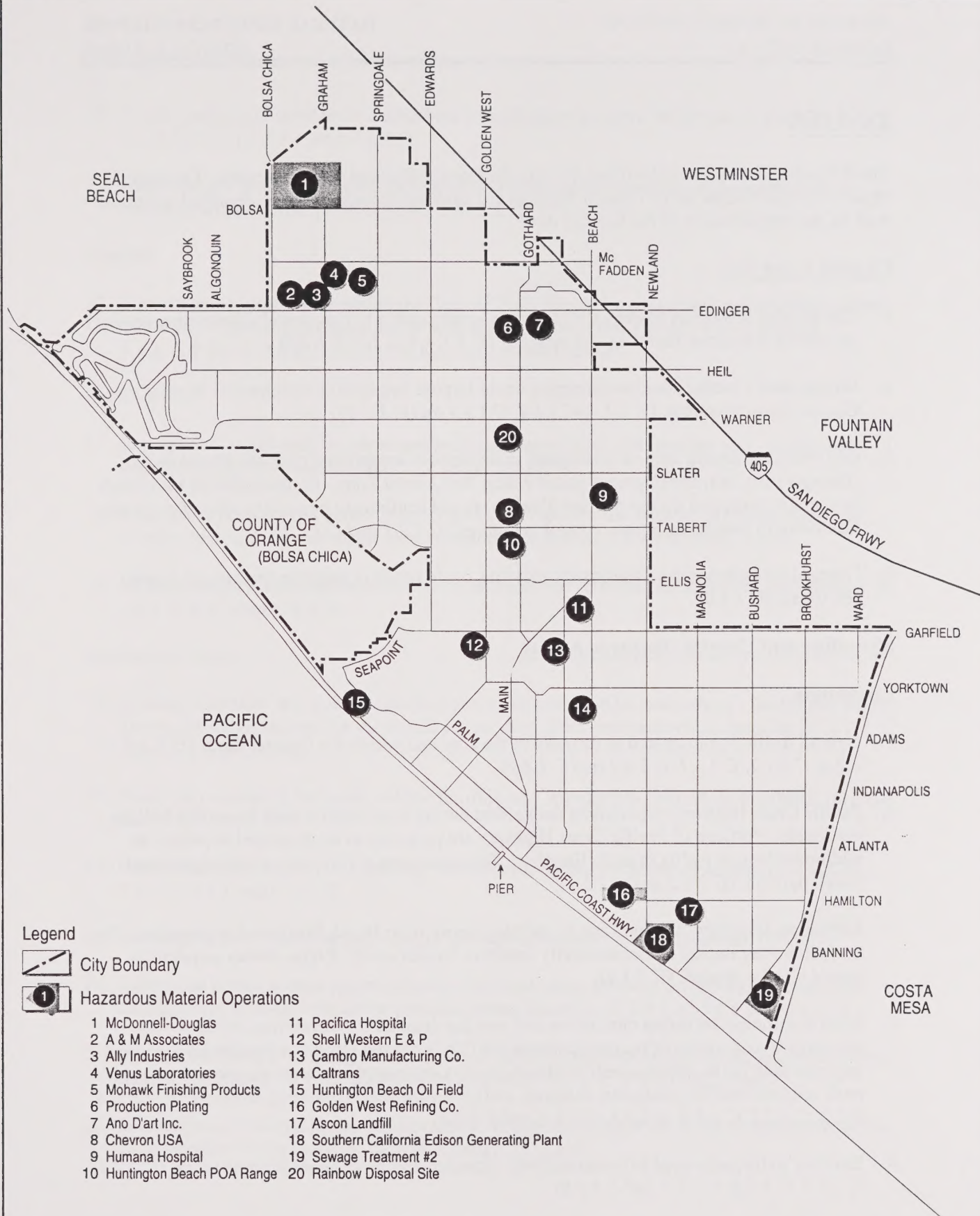


FIGURE C-34



HAZARDOUS MATERIAL OPERATIONS

CITY OF HUNTINGTON BEACH COASTAL ELEMENT

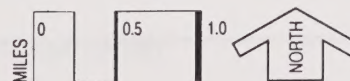


FIGURE C-35

ISSUES

The following issues were identified through the Coastal Element update process. The goals, objectives and policies of the Coastal Element are intended to address these identified issues, as well as, the requirements of the Coastal Act.

Coastal Land Use

1. The number of visitors to the City's beaches is anticipated to rise, thereby increasing impacts on coastal resources, facilities and services. (*C 1.1.4, C 1.2.1, C 1.2.3*)
2. Unregulated Coastal Zone development could impose negative environmental impacts on Coastal Zone resources. (*C 1.1.1, C 1.1.4, C 1.1.5 and C 1.1.7*)
3. Conventional zoning may be inadequate to implement appropriate regulations and design concepts in certain development nodes within the Coastal Zone. Implementation tools such as specific plans and design overlay districts should continue to be used to allow for greater flexibility in protecting unique coastal resources. (*C 1.2.1 and C 1.2.2*)
4. Unregulated seasonal and temporary activities could result in negative impacts on coastal resources. (*C 1.1.6*)

Shoreline and Coastal Resource Access

Circulation

5. Overall traffic is anticipated to increase in the City and within the Coastal Zone. (*C 1.2.3, C 1.2.4, C 2.1.2, C 2.3.1, C 2.4.1 and C 2.4.2*)
6. Pacific Coast Highway experiences congestion during summertime peak hours and holiday weekends. Portions of Pacific Coast Highway are proposed to be re-striped to permit an additional lane of traffic in each direction. The re-striping will remove existing on-street beach parking. (*C 2.1.2 and C 2.3.1*)
7. Extending Hamilton Avenue from its existing terminus to Beach Boulevard is proposed. The extension may impact environmentally sensitive habitat areas. Right-of-way acquisition would also be needed. (*C 7.1.4*)
8. Private automobiles create circulation and parking demands. Alternatives to the private automobile as a means of transportation to the City's coastal resources need to be promoted and provided for to mitigate traffic related impacts on coastal resources in general, minimize peak seasonal traffic circulation demands and minimize coastal parking demands. (*C 2.2.1, C 2.2.2, C 2.2.5, C 2.2.6, C 2.2.8, C 2.3.1 and C 2.3.6*)
9. Existing trails/paths need to be maintained, extended and or widened in some areas. (*C 2.2.1, C 2.2.2, C 2.2.5, C 2.2.7 and C 2.2.8*)

10. Bicycle path signs need to be maintained and enhanced to promote the use of bicycles in beach access. (*C 2.1.1 and C 2.7.1*)
11. Future design of the circulation system should focus upon the safety of the pedestrian, bicyclist, and motorist. (*C 2.2.2, 2.8.1 and 2.8.2*)

Transit

12. Mass transit opportunities within the Coastal Zone should be convenient and plentiful. The feasibility of locating a transit center within the Coastal Zone should be investigated. (*C 2.3.1, C 2.3.2, C 2.3.3, C 2.3.4, C 2.3.5, C 2.3.6 and C 2.4.4*)

Parking

13. Recreational beach parking shortages are experienced about 18 days per year, during peak summer and holiday seasons. (*C 2.3.1 and C 2.4.1*)
14. Re-striping portions of Pacific Coast Highway to increase the number of traffic lanes will remove some existing on-street recreational beach parking. (*C 2.1.2 and C 2.4.1*)
15. Parking conflicts between beach recreational users and residents occur during peak season. (*C 2.3.1, C 2.4.1 and C 2.4.5*)

Pedestrian Access

16. Existing shoreline and coastal resource access sites should be maintained. Additional public access, including access for the handicapped, should be provided where feasible. (*C 2.2.2, C 2.5.1, C 2.6.1, C 2.6.2*)
17. Pedestrian access to wetlands, where feasible and appropriate, should be provided. (*C 2.6.6 and C 2.6.7*)
18. Pedestrian safety should be a priority when providing coastal resource access. (*C 2.2.2, C 2.2.3, C 2.8.1 and C 2.8.2*)
19. Shoreline access should be provided in the area of Seapoint and Goldenwest. (*C 2.8.3*)
20. Additional public access opportunities to the Huntington Harbour waterways through new development or re-use should be provided where feasible. (*C 2.5.1, C 2.6.1 and C 2.6.2*)
21. Public awareness of existing shoreline and coastal resource access points along the shore and within Huntington Harbour should be promoted. (*C 2.1.1, C 2.7.1, C 2.7.2 and C 2.7.3*)
22. Direct access from the proposed Harriett M. Wieder Regional Park to the shoreline should be encouraged to be included in the park's design. (*C 2.6.5*)

Recreational and Visitor Serving Facilities

23. The City should promote and provide visitor serving and recreational facilities for a variety of market preferences and cost ranges. Preference should be given to development providing public recreation opportunities. Lower cost facilities should be protected, encouraged, and, where feasible, provided. (*C 3.2.1, C 3.2.2 and C 3.2.3*)
24. Hotel/motel rooms, restaurants, visitor serving entertainment uses, etc. are needed to serve visitor serving demand and should be encouraged and provided for. (*C 3.2.3 and C 3.2.4*)
25. Overnight camping accommodations for recreational vehicles should be maintained and increased, where feasible, to provide lower cost overnight accommodations. (*C 3.2.5, C 3.2.6 and C 3.2.7*)
26. Existing public recreation sites in the Coastal Zone should be protected and preserved as feasible. (*C 3.1.4*)
27. The City should continue to preserve and promote the Municipal Pier as a recreation and visitor serving facility and coastal related activity node. (*C 3.4.2 and C 3.4.3*)
28. Recreational boating should be promoted and provided for, including appropriate areas for dry boat storage. (*C 3.4.4, C 3.4.5 and C 3.4.6*)
29. Local interests and concerns should be represented and included in State and regional recreation planning within the Coastal Zone. (*C 3.5.1, C 3.5.2 and C 4.6.5*)
30. The long-term fiscal and liability impacts of new or expanded municipal recreational facilities within the Coastal Zone should be analyzed and considered before approval. (*C 3.3.1*)

Visual Resources

31. Significant public coastal view corridors should be identified, preserved and maintained. Private coastal view corridors should be encouraged. However, private views are not protected by Coastal Act or City policy. (*C 4.1.1, C 4.1.3, C 4.2.1, C 4.2.2, C 4.2.3 and C 4.2.4*)
32. Coastal bluff top vistas should be preserved. (*C 4.2.1, C 4.2.2 and C 4.2.3*)
33. The natural landform of the coastal bluffs should be preserved and protected. (*C 4.4.1, C 4.4.2, C 4.4.3 and C 4.4.4*)
34. The scenic and visual quality of Pacific Coast Highway and other coastal routes could be enhanced through sign regulation, landscaping and design review of new development. (*C 4.2.1, C 4.2.2, C 4.2.5, C 4.3.1, C 4.5.1, C 4.5.2, C 4.5.3, and C 4.6.4*)
35. Visually degraded areas in the Coastal Zone should be enhanced. Design review, placing transmission lines underground, screening the electrical energy generating plant and oil facilities, preserving mature trees, and litter control should be promoted to enhance the

aesthetic quality of the City's scenic coastal resources. (*C 4.2.1, C 4.5.1, C 4.5.2, C 4.6.1, C 4.6.2, C 4.6.3, C 4.6.6, C 4.7.1, C 4.7.2, C 4.7.3, C 4.7.4, C 4.7.5, C 4.7.8 and C 8.4.2*)

36. The Coastal Element Land Use Plan should maintain natural areas and enhance them, where feasible, as aesthetic amenities, as well as, biological resources. (*C 4.1.2, C 4.1.3, C 4.4.2, C 4.4.3 and C 4.4.4*)
37. In order to maintain public views from the municipal pier, as well as, public access to the pier, building heights on the pier should be limited to a maximum of 2 stories, or 35 feet, and public access should be maintained around the entire perimeter of the pier. (*C 3.4.3*)

Historic and Cultural Resources

38. New development could negatively impact significant historical and archeological resources in the Coastal Zone. Such resources should be identified in coordination with the State historic preservation officer and reasonable mitigation measures for protection or enhancement should be required. (*C 5.5.1 and C 5.1.2, C 5.1.3, C 5.1.4 and C 5.1.5*)

Water and Marine Resources

39. Activities associated with an urban environment may impose negative environmental impacts on marine resources in the Coastal Zone. (*C 6.1.3, C 6.1.5, C 6.1.6, C 6.1.12 and C 6.1.13*)
40. Water quality should be monitored, protected and enhanced, where needed, to protect marine related resources. (*C 6.1.1, C 6.1.2 and C 6.1.8*)
41. Monitor and improve, if necessary, water quality in Huntington Harbour with additional boathead regulation and expanded aeration strategies. (*C 6.1.9, C 6.1.10 C 6.1.11 and C 6.1.21*)
42. Runoff and storm drain-related pollution should be minimized through strategies such as regulation of new development and strict enforcement of NPDES regulation. (*C 6.1.1 and C 6.1.6 and C 6.1.16*)
43. The City's freshwater aquifers need to be protected from pollution and saltwater intrusion. (*C 6.1.1*)
44. Water conservation should be promoted. Strategies such as requiring conservation measures in the design of new projects, the use of reclaimed water by the City for irrigation purposes, where feasible, and investigating the feasibility of desalinization of sea water for potable usage should be considered. (*C 6.1.12, C 6.1.13 and C 6.1.14*)

Environmentally Sensitive Habitats

45. Sensitive habitat areas need to be protected from impacts associated with development and urbanization. (*C 3.1.1, C 3.1.2, C 6.1.2, 6.1.20, C 6.1.21, C 6.1.22, C 7.1.1, C 7.1.2 and C 7.1.3*)

46. Oil and toxic material spills are a risk to sensitive habitat areas. Adequate emergency plans and increased inter-agency coordination are needed. (*C 8.1.4, C 8.2.8, C 8.2.9, C 8.2.10 and C 8.3.10*)
47. Wetlands provide biological and aesthetic resources. These qualities should be maintained, enhanced and improved, where feasible. (*C 6.1.24, C 6.1.26, C 6.1.28, C 7.1.2, C 7.1.3, C 7.2.1, C 7.2.2, C 7.2.3 and C 7.2.4*)
48. Pedestrian access to coastal wetlands and sensitive area via boardwalks, peripheral trails, interpretive facilities and other appropriate educational facilities should be promoted where such activity would not disrupt habitat values or impair ecosystem viability, consistent with Sections 30233 and 30240 of the Coastal Act. (*C 2.6.6, C 2.6.7 and C 7.3.1*)
49. Public awareness of sensitive habitats and their environmental benefits should be promoted. (*C 2.7.1, C 6.1.28 and C 7.3.1*)

Energy Facilities

50. Huntington Beach accommodates energy related facilities within its Coastal Zone. The potential adverse safety, aesthetic and biological impacts of these facilities to the community and its coastal resources must be minimized to the maximum extent feasible through municipal regulation and coordination with responsible outside agencies. (*C 8.1.1, C 8.1.2 and C 8.1.3*)
51. The community and its valuable coastal resources are at risk from oil spills from offshore tanker activity and on and offshore facilities. The risks must be minimized through municipal regulation and coordination with responsible outside agencies. (*C 8.1.4, C 8.1.8 and C 8.3.12*)
52. Increased and/or new tanker operations should be discouraged due to potential oil spill risks from tanker activity. The City should monitor and participate in the review of any proposed re-activation or expansion of the existing marine terminal. Re-activation and/or new marine terminals in Huntington Beach should be discouraged. (*C 8.3.6, C 8.3.7 and C 8.3.8*)
53. In the event of oil spills, adequate contingency and clean-up plans must be in place. (*C 8.1.4, C 8.2.8, C 8.2.9, C 8.2.10, C 8.3.10 and C 8.3.12*)
54. Unitization, and consolidation of energy facilities should be encouraged to increase efficiency and safety, and minimize aesthetic and biological impacts to coastal resources. (*C 4.7.7, C 8.2.3, C 8.2.5, C 8.3.5 and C 8.3.14*)
55. Compatibility between energy related facilities and other land uses could be increased through the use of buffers, screening and setbacks. (*C 4.7.8, C 8.3.4, C 8.3.10, C 8.3.15 and C 8.4.1*)
56. Access to underground oil resources from surface areas should be protected and maintained. (*C 8.1.9 and C 8.4.4*)
57. New energy technologies such as advanced oil recovery methods and solar technology should be encouraged, promoted and explored. (*C 8.2.1, C 8.2.2, C 8.3.1, C 8.3.2 and C 8.3.3*)

58. Beach access and aesthetics could be improved through energy facility consolidation, improved maintenance of energy facilities, screening and buffering. (*C 4.7.8, C 8.2.3 and C 8.3.5*)
59. Encourage clean-up efforts of the NESI (Ascon) site which is listed on the California State Superfund list. Do not permit development of the site until clean up and decontamination efforts have been completed. (*C 4.7.10 and C 8.4.5*)
60. Adequate interdepartmental coordination within the City, as well as, interagency coordination between the City, other levels of government and outside agencies regarding energy related issues affecting the City is paramount to ensuring public and environmental safety. (*C 8.1.1, C 8.1.2, C 8.1.3, C 8.1.5, C 8.1.6 and C 8.1.7*)

Water, Sewer and Drainage

61. Existing water booster, storage and distribution systems are inadequate to meet the needs of potential future development in the Coastal Zone. (*C 9.1.2*)
62. Existing sewerage distribution systems in the Coastal Zone are aged and in need of upgrade and maintenance. (*C 6.1.4, C 9.1.2 and C 9.1.3*)
63. Existing flood drainage channels and pumping facilities are inadequate to accommodate a 100 year flood event. (*C 9.1.2*)

Hazards

64. The City's Coastal Zone includes potential geologic and flood hazard areas. Potential risks can be minimized through land use regulation and design review. (*C 10.1.1*)

Administration/Interagency Coordination

65. City participation in the planning and review of State, federal and regional plans for improvements to facilities or areas within the City's Coastal Zone is imperative and should be pursued to ensure consistency with Coastal Act policies and City of Huntington Beach policies and concerns. (*C 11.1.1*)

GOALS, OBJECTIVES AND POLICIES

The following section presents the goals, objectives, policies and programs for the Coastal Zone in the City of Huntington Beach. At the end of each policy is a reference to the appropriate implementation program.

GENERAL RESOURCE PROTECTION POLICIES

The following general policies shall provide the framework for interpreting this Coastal Element:

1. When policies within the Coastal Element conflict, such conflicts shall be resolved in a manner which on balance is the most protective of significant coastal resources.
2. Where there are conflicts between the policies set forth in this Coastal Element and those set forth in any element of the City's General Plan, other City plans, or existing ordinances, the policies of this Land Use Plan (LUP) shall take precedence.
3. In the event of any ambiguities or silence of this Coastal Element not resolved by (1) or (2) above, or by other provisions of the City's LCP, the policies of the California Coastal Act shall guide interpretation of this Coastal Element.

LAND USE

Goal

C 1

Develop a land use plan for the Coastal Zone that protects and enhances coastal resources, promotes public access and balances development with facility needs.

Objective

C 1.1

Ensure that adverse impacts associated with coastal zone development are mitigated or minimized to the greatest extent feasible.

Policies

C 1.1.1

With the exception of hazardous industrial development, new development shall be encouraged to be located within, contiguous or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services, and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. (*I-C 1, I-C 2*)

C 1.1.2

Coastal dependent developments shall have priority over other developments on or near the shoreline. Coastal-related developments should be accommodated within reasonable proximity of the coastal-dependent uses they support. (*I-C 1, I-C 2*)

C 1.1.3

The use of private lands suitable for visitor serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry. (*I-C 1, I-C 2*)

C 1.1.4

Where feasible, locate visitor-serving commercial uses in existing developed areas or at selected points of attraction for visitors. (*I-C 1, I-C 2, I-C 4*)

C 1.1.5

New residential development should be sited and designed in such a manner that it maintains and enhances public access to the coast. (*I-C 2, I-C 3, I-C 4*)

- a) Provide neighborhood commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads;
- b) provide non-automobile circulation such as bike trails and pedestrian walkways within the development;
- c) provide adequate parking facilities or a substitute means of serving the development with public transportation;
- d) provide for the recreational needs of new residents through local park acquisition or on-site recreational facilities to assure that recreational needs of new residents will not overload nearby coastal recreation areas;
- e) facilitate the provision or extension of public transit service; and
- f) assure the potential for public transit for high intensity uses.

C 1.1.6

Temporary and seasonal activities within the coastal zone which do not qualify as exempt activities pursuant to the Commission's guidelines adopted by the Commission pursuant to Section 30610(i) of the Coastal Act shall be monitored and regulated through the coastal development permit process to protect coastal resources from adverse impacts associated with the seasonal or temporary activities. (*I-C 2*)

C 1.1.7

Encourage cluster development in areas designated for residential use within the Coastal Zone. (*I-C 1, I-C 2, I-C 4*)

C 1.1.8

The City shall, at minimum, consider the following when evaluating annexation proposals in the Coastal Zone: (*I-C 8, I-C 13*)

1. Is the area to be annexed adjacent to existing corporate boundaries?
2. Does/will the area to be annexed contain land uses that are compatible with City land uses?
3. Does/will the area to be annexed contain land uses that have the ability to provide economic benefit to the City?
4. Would the area to be annexed place an undue or excessive burden on the City's or other service provider's ability to provide services?
5. Would the area to be annexed place an undue burden on school and other public services?

C 1.1.9

Minimize risks to life and property in areas of high geologic, flood (**Figure C-33**) and fire hazard through siting and design to avoid the hazard.

New development shall be designed to assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in anyway require the construction of a protective device. (*I-C 20*)

Objective

C 1.2

Provide a land use plan that balances location, type and amount of land use with infrastructure needs.

Policies

C 1.2.1

Accommodate existing uses and new development in accordance with the Coastal Element Land Use Plan and the Development and Density Schedule Table C-1. (*I-C 1*)

C 1.2.2

Require that development be designed to account for the unique characteristics of project sites and objectives for Coastal Zone character in accordance with the Development "Overlay" schedule listed in Table C-1, as appropriate. (*I-C 1, I-C 2, I-C 4*)

C 1.2.3

Prior to the issuance of a development entitlement, the City shall make the finding that adequate services (i.e., water, sewer, roads, etc.) can be provided to serve the proposed development, consistent with policies contained in the Coastal Element, at the time of occupancy. (*I-C 8, I-C 22k,l*)

C 1.2.4

Pursue funding for projects to correct existing deficiencies in community facility systems in the coastal zone. (*I-C 10, I-C 17*)

**SHORELINE AND COASTAL
RESOURCE ACCESS**

Goal

C 2

Provide coastal resource access opportunities for the public where feasible and in accordance with the California Coastal Act requirements.

Circulation

Objective

C 2.1

Balance the circulation system with the circulation demands generated by the

implementation of the Coastal Land Use Plan.

Policies

C 2.1.1

Provide signs along the following corridors to guide and facilitate beach bound traffic: (*I-C 9*)

- Bolsa Chica Street to Warner Avenue to Pacific Coast Highway.
- Goldenwest Street
- Beach Boulevard
- Magnolia Street
- Brookhurst Street
- Springdale Street to Warner
- Edwards Street, Garfield, Seapoint to PCH

C 2.1.2

Promote increasing the capacity of Pacific Coast Highway through re-striping and traffic signal synchronization to enhance traffic circulation and safety. Require that all recreational beach and on-street parking spaces removed due to re-striping be replaced at a one-to-one ratio. Replacement parking shall be provided based on the following standards: (*I-C 9*)

- a) Replacement parking shall be provided prior to or concurrent with the loss of any parking.
- b) Replacement parking shall be provided either on-street, in parking lots, and/or parking structures which are within 500 feet of Pacific Coast Highway.
- c) Replacement parking shall be dispersed commensurate with its existing location on Pacific Coast Highway unless it is determined that public coastal access is better served by concentrating it in one or more locations.
- d) Pedestrian access across Pacific Coast Highway shall be provided.

- e) Dispersed drop off points shall be provided on the seaward side of Pacific Coast Highway.

Objective

C 2.2

Encourage the use of City and State beaches as a destination point for bicyclists, pedestrians, shuttle systems and other non-auto oriented transport.

Policies

C 2.2.1

Encourage the utilization of easements and/or rights-of-way along flood control channels, public utilities, railroads and streets, wherever practical, for the use of bicycles and/or pedestrians. (I-C 8)

C 2.2.2

Maintain existing pedestrian facilities and require new development to provide pedestrian walkways and bicycle routes between developments. (I-C 9)

C 2.2.3

Encourage the development of a pedestrian overpass between the Waterfront Development and the ocean side of Pacific Coast Highway, and in other areas where feasible and necessary, to facilitate safe pedestrian access and safe efficient vehicular movement. (I-C 9)

C 2.2.4

Adopt candidate locations for water-oriented transportation facilities, located in commercial areas in Huntington Beach Harbour. (General Plan Figure CE-10). (I-C 1, I-C 9, I-C 22d)

C 2.2.5

Link bicycle routes with pedestrian trails and bus routes to promote an interconnected system. (I-C 9, I-C 22d)

C 2.2.6

Provide adequate bike racks at appropriate locations within the Coastal Zone with special emphasis for facilities adjacent to the beach. (I-C 9, I-C 22d)

C 2.2.7

Develop a riding and hiking trail network and support facilities that provide linkages within the Coastal Zone where feasible and appropriate. (I-C 9, I-C 22d)

C 2.2.8

Pursue widening the existing Class I Coastal Bikeway between the Pier and Bolsa Chica State Beach to 20 feet. (I-C 9, I-C 22d)

Transit

Objective

C 2.3

Promote mass transit opportunities within the Coastal Zone.

Policies

C 2.3.1

In serving additional recreational traffic demand, place primary emphasis on facilitating public transit such as providing incentives to use public transit while maintaining the present level of parking. (I-C 9)

C 2.3.2

Augment the existing bus routes with any new bus routes designated in the Orange County Transportation Authority (OCTA) Future Transit Needs Study, as appropriate and necessary. (I-C 9, I-C 21d)

C 2.3.3

Encourage the Orange County Transportation Authority to locate bus turnouts along Pacific Coast Highway and other major arterial roads within the City, if feasible and appropriate. (I-C 9, I-C 22d)

C 2.3.4

Continue to reserve the abandoned rail right of way, located parallel to Lake Street, for a future transportation use such as a transit, pedestrian and/or bicycle facility. (*I-C 9, I-C 22d*)

C 2.3.5

Encourage the development of a transportation center in the Coastal Zone in or near the Downtown area. The transportation center should be located to serve both local and commuter traffic, to promote coastal access, and sited to minimize adverse impacts from the use on adjacent land uses. (*I-C 1, I-C 9, I-C 22d*)

C 2.3.6

New development, such as multi-unit housing and commercial centers, should maintain and enhance public access to the coast through provisions for enhancing or encouraging ridership on public transportation. (*I-C 7, I-C 9*)

C 2.3.7

Provide for future use of water borne passenger services along ocean frontages and harbor waterways. (*I-C 1, I-C 9, I-C 22d*)

Parking

Objective

C 2.4

Balance the supply of parking with the demand for parking.

Policies

C 2.4.1

Maintain an adequate supply of parking that supports the present level of demand and allows for the expected increase in private transportation use. (*I-C 9*)

C 2.4.2

Ensure that adequate parking is maintained and provided in all new development in the

Coastal Zone utilizing one or a combination of the following: (*I-C 9*)

- a. Apply the City's parking standards at a minimum.
- b. Implement the Downtown Parking Master Plan.
- c. Consider developing new parking standards specific to the coastal zone, subject to Coastal Commission approval.
- d. Develop parking assessment districts to fund off-site parking structures, if necessary.
- e. Monitor parking programs to make the most effective use of parking resources.
- f. Replace any on-street parking lost in the coastal zone on a 1:1 basis within the coastal zone prior to or concurrent with the loss of any parking spaces.

C 2.4.3

Consider the cost effectiveness of new parking facilities and encourage those that re-coup the cost of providing the land, structures, maintenance and management of the facilities in order to minimize ongoing municipal costs. (*I-C 9*)

C 2.4.4

Develop parking areas outside the Coastal Zone for passenger cars and the development of alternate transportation modes for beach users including incentives for parking in those locations. (*I-C 9*)

C 2.4.5

Prohibit the establishment of preferential parking districts, whenever it would adversely affect public access to the coast through a reduction in the availability of on-street spaces for public visitors to the coast. (*I-C 9*)

C 2.4.6

Consistent with the Water and Marine Resources policies of this LCP, design parking lots to minimize the adverse impacts of urban runoff by: (*I-C 8*)

- a) Minimizing the area covered by impervious surfaces,
- b) Minimizing pollutant loads associated with runoff, and
- c) Periodic sweeping of parking lots on a regular basis.

Direct Access

Objective

C 2.5

Maintain and enhance, where feasible, existing shoreline and coastal resource access sites.

Policies

C 2.5.1

Require that existing public access to the shoreline and Huntington Harbour waterways be maintained and enhanced, where necessary and feasible, not withstanding overriding safety, environmental or privacy issues. (*I-C 22m*)

Objective

C 2.6

Promote and provide, where feasible, additional public access, including handicap access, to the shoreline and other coastal resources.

Policies

C 2.6.1

Require an offer of dedication of an easement in all new development, pursuant to Article 2, Section 30212 of the Coastal Act, to allow vertical access to the shoreline or to public recreation areas or to public trails and bikeways unless the following condition(s) exists: (*I-C 2, I-C 8*) (*Note: These exceptions shall not apply to the Transit Corridor*)

- a) Adequate access exists nearby; or
- b) Access at the site would significantly degrade environmentally sensitive habitat areas; or
- c) Findings are made, consistent with Section 30212 of the Coastal Act, that access is inconsistent with public safety, military security needs, or that agriculture would be adversely affected; or
- d) Offers of dedication for vertical access in accordance with this policy shall be provided only to sandy beaches and recreation areas and in conjunction with development on vacant parcels, replacement of existing structures or in commercial projects.

C 2.6.2

Require an offer of dedication of an easement in all new development, pursuant to Article 2, Section 30212 of the Coastal Act, to allow lateral access along the shoreline, public recreation areas or to public trails and bikeways unless the following condition(s) exists: (*I-C 2, I-C 8*) (*Note: These exceptions shall not apply to the Transit Corridor*)

- a) Findings are made consistent with Section 30212 of the Coastal Act that access is inconsistent with public safety, military security needs, or that agriculture would be adversely affected; or
- b) Access at the site would significantly degrade environmentally sensitive habitat areas; or
- c) An offer of dedication for lateral access in accordance with this policy shall be required in conjunction with new development or redevelopment and along all sandy beach areas. Access along

the bulkhead may be appropriate, particularly in public use areas such as fishing piers or provided in new development through such accessways.

C 2.6.3

The City shall accept offers of dedication for access consistent with its ability to assume maintenance and liability. If not accepted by the City, offers of dedication for access may be accepted by any other public agency or private association, provided that any association or agency which proposes to accept accessways is able to assume maintenance and operation of such accessway prior to opening it to the public. (I-C 2, I-C 8)

C 2.6.4

Development shall not interfere with the public's right of access to the sea where acquired through use of legislative authorization, including but not limited to the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. (I-C 2, I-C 8)

C 2.6.5

Promote the incorporation of pedestrian/equestrian/bike trail linkages to the shoreline within the proposed Harriett M. Wieder Regional Park where feasible. (I-C 2, I-C 9)

C 2.6.6

Promote public access to coastal wetlands for limited nature study, passive recreation and other low intensity uses that are compatible with the sensitive nature of these areas. (I-C 2, I-C 9, I-C 22b)

C 2.6.7

Pursue local, State and Federal funding to provide and maintain boardwalks, peripheral trails, interpretive exhibits and other educational facilities in coastal wetlands where compatible. (I-C 17)

Objective

C 2.7

Promote public awareness of existing access opportunities to coastal resources.

Policies

C 2.7.1

Maintain and enhance, where necessary, the coastal resource signing program that identifies public access points, bikeways, recreation areas and vista points throughout the Coastal Zone. (I-C 3, I-C 9, I-C 14)

C 2.7.2

Pursue local, state and federal funding to facilitate the development, implementation and maintenance of a public signing program. (I-C 17)

C 2.7.3

Assemble and make available for public information purposes, the documentation necessary to identify the public rights-of-way, ownership and other agreements concerning the Huntington Harbour channels including applicable homeowners' association deed restrictions. (I-C 22m)

Objective

C 2.8

Promote pedestrian safety in providing coastal resource access.

Policies

C 2.8.1

Promote safe pedestrian access to the beach from the inland side of Pacific Coast Highway. (I-C 2, I-C 9)

C 2.8.2

Provide for the use of a pedestrian overpass connecting the Waterfront development to the beach parking area, and in other areas where feasible and necessary to enhance pedestrian safety. (I-C 9)

C 2.8.3

Initiate cooperative planning efforts with the State Parks and Recreation Department and other responsible agencies and affected private parties, and pursue funding to develop a pedestrian access program to safely link the north side of Pacific Coast Highway to the beach. (*I-C 9, I-C 12, I-C 16*)

RECREATIONAL AND VISITOR SERVING FACILITIES

Goal

C 3

Provide a variety of recreational and visitor commercial serving uses for a range of cost and market preferences.

Objective

C 3.1

Preserve, protect and enhance, where feasible, existing public recreation sites in the Coastal Zone.

Policies

C 3.1.1

Prohibit development of permanent above ground structures on the beach sand area with the exception of the following conditionally permitted uses: (*I-C 1, I-C 2*)

- a) Lifeguard towers and other facilities necessary for public safety.
- b) Public restrooms and beach concession stands when located immediately adjacent to paved parking or access areas.
- c) Reconstruction and/or expansion related to the Municipal Pier.
- d) Fire rings and volleyball nets.
- e) Pedestrian trails including those necessary for handicapped access.
- f) Bike trails, bike support facilities, and handicapped access.
- g) Shade structures and picnic facilities.
- h) Pedestrian overpasses.

C 3.1.2

Prohibit the expansion of parking facilities that would result in the loss of recreational sand area with the exception of the area listed below: (*I-C 1, I-C 2*)

1. Conditionally provide for the expansion of parking facilities onto the vacated oil production area that is elevated above the beach located between the existing seawall and bluff face between Goldenwest and 9th Streets.

C 3.1.3

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible. (*I-C 7*)

C 3.1.4

Conduct an inventory of existing beach facilities on a periodic basis to determine requirements of renovation and/or future capital improvements, prepare a capital improvements program and adopt a prioritization schedule for improvement. (*I-C 16, I-C 17, I-C 22c and d*)

Objective

C 3.2

Ensure that new development and uses provide a variety of recreational facilities for a range of income groups, including low cost facilities and activities.

Policies

C 3.2.1

Encourage, where feasible, facilities, programs and services that increase and enhance public recreational opportunities in the Coastal Zone. (*I-C 2, I-C 22c, d and e*)

C 3.2.2

Privately-owned recreation facilities on public land shall be open to the public. Encourage privately-owned recreation

facilities on private land to be open to the public. (*I-C 7*)

C 3.2.3

Encourage the provision of a variety of visitor- serving commercial establishments within the Coastal Zone, including, but not limited to, shops, restaurants, hotels and motels, and day spas. (*I-C 1, I-C 2, I-C 3, I-C 4*)

C 3.2.4

Timeshares may be permitted in Commercial General District (CG) and Mixed Use Districts (M, MH, and MV) provided that any such project be conditioned as follows: (*I-C 1, I-C 2, I-C 3, I-C 7*)

- a) That at least twenty-five percent of the units be permanently reserved for transient overnight accommodations during the summer season (beginning the day before the Memorial Day weekend and ending the day after Labor Day).
- b) That the timeshare facility operate as a hotel including requirements for a centralized reservations system, check-in services, advertising, security, and daily housecleaning.

C 3.2.5

Establish an ongoing program to permit recreational vehicle camping during the winter months at City beach parking lots. (*I-C 22j*)

C 3.2.6

Encourage additional overnight recreational vehicle camping facilities, adequately screened, in the recreation areas on both sides of Newland Street near Pacific Coast Highway and on the State beach parking lots during the winter months. (*I-C 22j*)

C 3.2.7

Investigate the feasibility of providing year round camping below the bluffs, northwest of the Municipal Pier, between Ninth Street and Goldenwest Street. (*I-C 22j*)

C 3.2.8

Promote the implementation of and funding for the proposed Orange Coast River Park concept. The Orange Coast River Park is envisioned as a linkage of public parks (Talbert and Fairview Regional Parks) and private open space lands along and near the mouth of the Santa Ana River, including possible linkages with open space lands located on the inland side of Pacific Coast Highway, between the Santa Ana River and Beach Boulevard in Huntington Beach. (*I-C 1, I-C 2, I-C 17*)

C 3.2.9

Promote and support the implementation of the proposed Wintersburg Channel Class I Bikeway. (*I-C 1, I-C 2*)

C 3.2.10

Promote and support the development of, the City and County portions of the Harriett M. Wieder Regional Park. Include a continuous trail system from Huntington Central Park to the beach, along the eastern border of the Bolsa Chica wetlands, if feasible. (*I-C 1, I-C 2, I-C 17*)

C 3.2.11

Encourage and support the following recreational facilities and design characteristics within the Harriett M. Wieder Regional Park: (*I-C 1, I-C 2*)

- a) Limit above ground structures to support facilities such as restrooms, picnic tables, bike racks, view points, interpretive centers and education facilities.
- b) Site facilities and uses to maximize view opportunities to the adjacent Bolsa Chica.

- c) Provide public access to the Regional Park as a coastal resource, by providing a public bluff top road to the park area.
- d) Prohibit development of the bluff faces at the eastern edge of the Bolsa Chica wetlands in order to preserve the natural landform and maintain stability of the bluffs. Drainage improvements or other facilities needed to maintain public health and safety are allowed to the minimum extent necessary.
- e) Require adjacent land uses to provide and/or preserve access to the Regional Park.
- f) Promote the removal of oil operations within the park.
- g) Support the proposed Class I Bikeway through the park.
- h) Provide adequate parking for the park.
- i) Facilitate the provision of transit service including bicycling to the park.

C 3.2.12

Pursue an implementation plan for the Regional Park in cooperation with the County of Orange. (*I-C 1, I-C 2*)

C 3.2.13

Actively pursue County, State and Federal funding for development of the Harriett M. Wier Regional Park. Work to ensure that funds earmarked for the Regional Park are not transferred to other projects. (*I-C 17*)

Objective

C 3.3

Consider long term fiscal and liability impacts of new or expanded recreational facilities within the Coastal Zone and minimize impacts where feasible.

Policies

C 3.3.1

Establish the responsibility for long term maintenance and liability prior to approval of any major recreational facility, including marina, public park, trail, etc. (*I-C 2, I-C 7, I-C 10*)

Objective

C 3.4

Encourage and protect water oriented recreational activities that cannot readily be provided at inland water areas.

Policies

C 3.4.1

Provide opportunities for recreational fishing and support facilities on the Huntington Beach Municipal Pier. (*I-C 1, I-C 2*)

C 3.4.2

Enhance the Municipal Pier and surrounding area to function as the “hubs” of tourist and community activity. (*I-C 1, I-C 2, I-C 3, I-C 4*)

C 3.4.3

Require that any plans for restoration or replacement of the Municipal Pier include the following provisions: (*I-C 2, I-C 3, I-C 4*)

- a) Areas for recreational fishing and support facilities.
- b) Unobstructed public views seaward from the end of the Pier.
- c) Significant opportunities for unobstructed public views of the shoreline.
- d) Limit Pier access to pedestrians and trolley type transit.
- e) Maintain a minimum of 70 percent of the total area of the Pier as public open space and ensure that adequate pedestrian flow is maintained along the Pier length.
- f) Provide adequate handicap access.

- g) Limit building heights on the pier to a maximum of 2 stories (35 feet).
- h) Require that public access be maintained around the entire perimeter of the pier.

C 3.4.4

Encourage the provision of public boating support facilities compatible with surrounding land uses and water quality. (*I-C 2, I-C 3, I-C 4*)

C 3.4.5

Encourage additional dry storage areas for boats in industrial areas. (*I-C 2, I-C 7*)

C 3.4.6

Increased recreational boating use of coastal waters shall be encouraged by increasing public launching facilities, providing additional berthing spaces, and limiting non-water dependent land uses adjacent to the coast. (*I-C 7, I-C 22e*)

Objective

C 3.5

Ensure that local interests and concerns are included in State and regional recreation planning within the Coastal Zone. Consider long term fiscal and liability impacts of new or expanded recreational facilities within the Coastal Zone and minimize impacts where feasible.

Policies

C 3.5.1

Require review and approval by the City of final development plans prior to permitting any additional development on the State beaches. (*I-C 2, I-C 12*)

C 3.5.2

Prior to permitting any additional development on the state beaches in Huntington Beach, consider the following: (*I-C 2, I-C 12*)

- a) Review and approval by the City of final landscape and architectural plans.
- b) Location of new facilities and landscaping in a manner that minimizes public view blockage and enhances visually degraded areas.
- c) Location of new facilities in a manner that maximizes the area of beach sand available for recreational use.
- d) Location of comfort stations within or adjacent to parking facilities.
- e) Provision of drop-off and turn-around facilities for public transit.
- f) Provision of bus and bicycle parking areas.
- g) Removal of the existing chain link fence; City review and approval of the location, design and materials of any fencing necessary for safety purposes.
- h) Access provisions for early beach users.
- i) Provisions for transit service and non-automobile access.

VISUAL RESOURCES

Goal

C 4

Preserve and, where feasible, enhance and restore the aesthetic resources of the City's coastal zone, including natural areas, beaches, harbors, bluffs and significant public views.

Objective

C 4.1

Provide opportunities within the Coastal Zone for open space as a visual and aesthetic resource.

C 4.1.1

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to

protect public views to and along the ocean and scenic coastal areas. (*I-C 7, I-C 8, I-C 14*)

Policies

C 4.1.2

Designate lands for the provision of passive and visual open space on the Coastal Land Use Map, which provide a balance to the urban and suburban development of the Coastal Zone. (*I-C 1, I-C 2*)

C 4.1.3

Develop City approved plans that provide natural open space linkages between Central Park, the freshwater riparian habitat to the southwest, and the freshwater marsh areas within the Bolsa Chica. These linkages may include the use of open space dedications, development of park/natural reserves, trails or greenbelts. (*I-C 1, I-C 2*)

C 4.1.4

Preserve skyward, night time views through minimization of lighting levels along the shoreline. (*I-C 1, I-C 2*)

Objective

C 4.2

Promote the protection of the Coastal Zone's visual and aesthetic resources through design review and development requirements.

Policies

C 4.2.1

Ensure that the following minimum standards are met by new development in the Coastal Zone as feasible and appropriate: (*I-C 2, I-C 4*)

- a) Preservation of public views to and from the bluffs, to the shoreline and ocean and to the wetlands.
- b) Adequate landscaping and vegetation.

- c) Evaluation of project design regarding visual impact and compatibility.
- d) Incorporate landscaping to mask oil operations and major utilities, such as the electrical power plant on Pacific Coast Highway.

C 4.2.2

Require that the massing, height, and orientation of new development be designed to protect public coastal views. (*I-C 2, I-C 7*)

C 4.2.3

Promote the preservation of significant public view corridors to the coastal corridor, including views of the sea and the wetlands through strict application of local ordinances, design guidelines and related planning efforts, including defined view corridors. (*I-C 2, I-C 7, I-C 8, I-C 14*)

C 4.2.4

Wireless communication facilities shall be sited, to the maximum extent feasible, to minimize visual resource impacts. Minimization may be accomplished through one or more of the following techniques: co-locating antennas on one structure, stealth installations, locating facilities within existing building envelopes, or minimizing visual prominence through colorization or landscaping and removal of facilities that become obsolete. (*I-C 2, I-C 7*)

C 4.2.5

New wireless communication facilities affecting the public view shed and/or located in areas designated Water Recreation, Conservation, Parks, and Shoreline shall be conditioned to require removal within six (6) months of termination of use and restoration of the site to its natural state. (*I-C 2*)

Objective

C 4.3

Promote designated coastal roadways as scenic corridors.

Policies

C 4.3.1

Adopt an ordinance that contains regulations adequate to achieve State Scenic Highway status for Pacific Coast Highway and pursue the establishment of Pacific Coast Highway as a State Scenic Highway. (*I-C 14, I-C 22a*)

Objective

C 4.4

Promote the preservation of significant landforms and physical features within the Coastal Zone.

Policies

C 4.4.1

Promote the preservation of the natural landform of the bluffs seaward of Pacific Coast Highway. Alterations necessary for development of public access trails, parking facilities and/or bluff stabilization may be permitted if they are the least environmentally damaging feasible alternatives and the landform is preserved to the maximum extent. (*I-C 1, I-C 2, I-C 4*)

C 4.4.2

Prohibit private development along the bluffs rising up to the Bolsa Chica mesa (the bluff face that rises above the northwestern edge of the Bolsa Chica low land) within the City's jurisdiction that would alter the natural landform or threaten the stability of the bluffs.

Drainage systems and other such facilities necessary to ensure public health or safety may be allowed provided that bluff alteration is restricted to the minimum necessary and is done in the least environmentally damaging feasible manner. (*I-C 1, I-C 2, I-C 4, I-C 8*)

C 4.4.3

Prohibit development of the bluff faces at the eastern edge of the Bolsa Chica area that

would alter the natural landform or threaten stability of the bluffs.

Drainage systems and other such facilities necessary to ensure public health or safety may be allowed provided that bluff alteration is restricted to the minimum necessary and is done in the least environmentally damaging feasible manner. (*I-C 1, I-C 2, I-C 4, I-C 8*)

C 4.4.4

Develop implementation programs that will preserve and maintain the physical features of the wetlands, bluffs, and beaches. (*I-C 2, I-C 4*)

Objective

C 4.5

Minimize the negative aesthetic impacts of signage in the Coastal Zone.

Policies

C 4.5.1

Prohibit new billboards within the Coastal Zone and require the removal of all existing billboards along Pacific Coast Highway as properties are developed, or improved. (*I-C 2, I-C*)

C 4.5.2

Establish special regulations for on-premise signs within the Coastal Zone that may include but will not be limited to: (*I-C 21g*)

- a) Prohibition of signs that do not display information related to an activity, service or commodity available on the premises, excluding direction signage and informational signage for beach areas.
- b) Limits to the height, size, design and materials of signs.
- c) Prohibition of rooftop signs.
- d) Restrictions on the use of lights and moving parts in signs.
- e) Enforcement of maintenance controls.

C 4.5.3

Coordinate the design of public and private signs and graphics in the coastal zone. (*I-C 22g*)

- a) Prepare and implement a coordinated public/private sign program that fosters a cohesive image and includes the following:
 1. Sign standards that identify public places, recreational opportunities and tourist destinations;
 2. Design standards for public monument signage and public banners for street light standards along the major arterials;
 3. Identification sign designs for each of the residential districts;
 4. Design standards for primary and secondary entry node signage; and
 5. Improved street signage that incorporates such elements as city logos or local design elements.
- b) Develop a major arterials public signage installation program.
- c) Consider developing guidelines for private monument signage that incorporates a consistent public identification device such as a City logo or a logo for the business' location, i.e., Beach Boulevard.

C 4.5.4

Pursue funding to implement LCP Policy 4.5.3. (*I-C 17*)

Objective

C 4.6

Enhance the visual appearance of the Coastal Zone through the development and implementation of landscaping standards.

Policies

C 4.6.1

Landscaping adjacent to environmentally sensitive habitat areas, such as wetlands, and coastal dunes shall consist of non-invasive, native drought tolerant plants. No permanent irrigation systems shall be allowed adjacent to environmentally sensitive habitat areas. (*I-C 2, I-C 7, I-C 8*)

C 4.6.2

Landscaping on coastal bluffs, including the bluff face, and coastal parks shall consist of non-invasive, native drought tolerant plants. No permanent irrigation systems shall be allowed on coastal bluffs. (*I-C 2, I-C 7, I-C 8*)

C 4.6.3

For new re-development, require the preservation of existing mature trees (as defined by the City's Landscape Ordinance). If preservation of existing mature trees is not feasible, require that removed trees be replaced at a minimum 2:1 ratio either on site, or elsewhere within the Coastal Zone, as prescribed by the City. (*I-C 3, I-C 8*)

C 4.6.4

Establish landscaping ordinances/guidelines specifying vegetation types for the coastal area. Such ordinances and guidelines are subject to Coastal Commission approval. (*I-C 3*)

C 4.6.5

Require additional landscaping and varying hardscape along the beach trail and roadway medians in the Coastal Zone. (*I-C 2, I-C 3, I-C 4*)

C 4.6.6

Where feasible, require landscaped medians along Pacific Coast Highway prior to permitting any major improvements that would increase vehicular capacity of the highway. (*I-C 3*)

C 4.6.7

Promote a cooperative agreement between the City and the State to landscape parking areas along the State beaches. (*I-C 3, I-C 12*)

C 4.6.8

Require landscaping to screen flood control channels where visible to public views and where there is adequate planting area available. (*I-C 2, I-C 3*)

Objective

C 4.7

Improve the appearance of visually degraded areas within the Coastal Zone.

Policies

C 4.7.1

Promote the use of landscaping material to screen uses that detract from the scenic quality of the coast along public rights-of-way and within public view. (*I-C 2, I-C 3*)

C 4.7.2

Continue to locate new and relocated utilities underground when possible. All others shall be placed and screened to minimize public viewing. (*I-C 2, I-C 7*)

C 4.7.3

Consider the following priority within the Coastal Zone for underground placement of overhead utility and telephone lines, in accordance with the rules and regulations of the California Public Utilities Commission: (*I-C 2, I-C 7*)

- a) Pacific Coast Highway
- b) Beach Boulevard, Adams Street to Pacific Coast Highway.
- c) Brookhurst Street from Hamilton Avenue to Pacific Coast Highway.
- d) Magnolia Street from Hamilton Avenue to Pacific Coast Highway.
- e) Goldenwest Street from Huntington Central Park to Pacific Coast Highway.

f) Warner Avenue within the Coastal Zone.

g) Newland Street within the Coastal Zone.

Any project to place utility and telephone wires underground must be consistent with all other provisions of this local coastal program.

C 4.7.4

Investigate the feasibility of rerouting or undergrounding transmission lines which currently traverse wetlands. (*I-C 2, I-C 7*)

C 4.7.5

Require the review of new and/or expansions of existing industrial and utility facilities to ensure that such facilities will not visually impair the City's coastal corridors and entry nodes. (*I-C 2, I-C 7*)

C 4.7.6

Ensure beaches and associated facilities are clean and litter free. (*I-C 6*)

C 4.7.7

Oppose offshore drilling off Huntington Beach where visual and environmental quality may be impacted and where 1) feasible alternative locations are available that would be less environmentally damaging; 2) to do otherwise would adversely affect the public welfare; and 3) adverse environmental effects have not been mitigated to the maximum extent feasible. (*I-C 8, I-C 12, I-C 15, I-C 22q*)

C 4.7.8

Require landscape and architectural buffers and screens around oil production facilities and other utilities visible from public rights-of-way. (*I-C 2, I-C 3*)

C 4.7.9

Require the removal of non-productive oil production facilities and the restoration of the vacated site. (*I-C 2, I-C 3*)

C 4.7.10

Encourage the remediation and clean up of the NESI (Ascon) site. Work with other responsible agencies and property owner to facilitate site clean-up. (*I-C 1, I-C 2, I-C 12*)

**HISTORIC AND CULTURAL
RESOURCES**

Goal

C 5

Promote the preservation of significant archaeological and paleontological resources in the Coastal Zone.

Objective

C 5.1

Identify and protect, to the maximum extent feasible, significant archaeological, paleontological and historic resources in the Coastal Zone.

Policies

C 5.1.1

Coordinate with the State of California Historic Preservation Office to ensure that archaeological, paleontological and historically significant resources within the Coastal Zone are identified. (*I-C 12, I-C 22I*)

C 5.1.2

Where new development would adversely impact archaeological or paleontological resources within the Coastal Zone, reasonable mitigation measures to minimize impacts shall be required. (*I-C 8*)

C 5.1.3

In the event that any Native American human remains are uncovered, the County Coroner, the Native American Heritage Commission, and the Most Likely Descendants, as designated by the California Native American Heritage Commission, shall be notified. The recommendations of the Most Likely Descendants shall be obtained prior to the disposition of any

prehistoric Native American human remains. (*I-C 12*)

C 5.1.4

A completed archeological research design shall be submitted along with any application for a coastal development permit for development within any area containing archeological or paleontological resources. The research design shall determine the significance of any artifacts uncovered and make recommendations for preservation. Significance will be based on the requirements of the California Register of Historical Resources criteria, and prepared based on the following criteria: (*I-C 2, I-C 3, I-C 22i*)

- a) Contain a discussion of important research topics that can be addressed; and
- b) Be reviewed by at least three (3) County-certified archeologists (peer review committee).
- c) The State Office of Historic Preservation and the Native American Heritage Commission shall review the research design.
- d) The research design shall be developed in conjunction with affected Native American groups.
- e) The permittee shall comply with the requirements of the peer review committee to assure compliance with the mitigation measures required by the archeological research design.

C 5.1.5

A County-certified paleontologist/archeologist, shall monitor all grading operations where there is a potential to affect cultural or paleontological resources based on the required research design. A Native American monitor shall also monitor grading operations. If grading operations uncover paleontological/archeological resources, the paleontologist/archeologist or

Native American monitor shall suspend all development activity to avoid destruction of resources until a determination can be made as to the significance of the paleontological/archeological resources. If found to be significant, the site(s) shall be tested and preserved until a recovery plan is completed to assure the protection of the paleontological/archeological resources. (I-C 2, I-C 3, I-C 8)

C 5.1.6

Reinforce downtown as the City's historic center and as a pedestrian-oriented commercial and entertainment/recreation district, as follows: (I-C 1, I-C 2, I-C 4)

1. Preserve older and historic structures;
2. Require that new development be designed to reflect the Downtown's historical structures and adopted Mediterranean theme;
3. Amend the Downtown Specific Plan (as an LCP amendment subject to Commission certification) to:
 - a. Coordinate with the Citywide Design Guidelines; and
 - b. Incorporate historic preservation standards and guidelines.
 - c. Coordinate Downtown development and revitalization with polices and programs of the Historic and Cultural Resources Element.

WATER AND MARINE RESOURCES

Goal

C 6

Prevent the degradation of marine resources in the Coastal Zone from activities associated with an urban environment.

Objective

C 6.1

Promote measures to mitigate the adverse impacts of human activities on marine organisms and the marine environment through regulation of new development, monitoring of existing development, and retrofitting necessary and feasible.

Policies

C 6.1.1

Require that new development include mitigation measures to enhance water quality, if feasible; and, at a minimum, prevent the degradation of water quality of groundwater basins, wetlands, and surface water. (I-C 2, I-C 8)

C 6.1.2

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. (I-C 6, I-C 8, I-C 12, I-C 15, I-C 22e)

C 6.1.3

Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes. (I-C 7, I-C 8)

C 6.1.4

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain organisms and for the protection of human health shall be maintained and, where feasible, restored. (I-C 7, I-C 8, I-C 12)

C 6.1.5

Require containment curtains around waterfront construction projects on inland waterways to avoid turbid waters drifting into the ocean. (*I-C 2, I-C 3, I-C 8*)

C 6.1.6

It is the policy of the City to recognize the value of watershed based planning efforts in achieving coastal and marine water quality and resource protection goals of the LUP. Therefore, the City shall support such efforts by initiating and participating in watershed wide planning and management groups, with the involvement of appropriate stakeholders and/or regulatory agencies. Such efforts shall include participation in updating Orange County's Drainage Area Management Plan, forming partnerships to combine resources to implement restoration projects which involve and benefit multiple stakeholders, and pursuing funding opportunities to accomplish water quality improvement projects.

A public participation component that identifies methods to encourage public participation in managing development and minimizing urban runoff impacts to the coast shall be developed. This component should outline a public education and involvement program designed to raise public awareness about stormwater issues and the potential impacts of water pollution, and involve the public in development and implementation of the City's pollution control goals.

The City shall require that new development and redevelopment, as appropriate, employ nonstructural Best Management Practices (BMPs) and structural BMPs designed to minimize the volume, velocity and pollutant load of stormwater runoff, prior to runoff discharge into stormwater conveyance systems, receiving waters and/or other sensitive areas. BMPs should be selected based on efficacy at mitigating pollutants of

concern associated with respective development types or uses.

To this end, the City shall continue implementation of the Municipal Non-Point Source National Pollutant Discharge Elimination System (NPDES) standards program of which the City is a co-permittee with the County of Orange through the Santa Ana Regional Water Quality Control Board. Per program parameters, continue to require a Water Quality Management Plan for all applicable new development and redevelopment within the Coastal Zone, and include mitigation measures such as the following: (*I-C 2, I-C 3, I-C 8*)

- a) Regulating development to include the use of the best available erosion and runoff control management techniques and BMPs designed to minimize pollutant loads contained in post-development runoff, and to maintain post-development peak runoff rate and average volume at levels similar to pre-development levels to the maximum extent feasible. Design elements and other measures shall be incorporated into new development and appropriate re-development in order to carry out the objectives specified herein, including implementation of measures required pursuant to the National Pollutant Discharge Elimination System (NPDES) Standards, and any amendment to or re-issuance thereof;
- b) Adoption of guidelines to reduce runoff (silt, debris, litter, and chemicals) from construction sites. These implementation guidelines will be developed with the guidance and approval of the Santa Ana Regional Water Quality Control Board and/or the State Water Resources Control Board. The guidelines shall be based on the

following three principals: (1) Minimizing the potential sources of sediment and/or other pollutants from the outset; (2) Controlling the amount of runoff and its ability to carry sediment and/or other pollutants; and (3) Retaining sediment and/or other pollutants picked up on the project site for appropriate treatment and disposal. Until such guidelines are developed and approved, erosion and sediment control plans which shall accompany applications for new development and re-development, shall be reviewed for conformance with applicable recommendations contained in California's Storm Water Best Management Practice Handbook (Construction Activity) [Stormwater Quality Taskforce, 1993] and any amendment to or re-issuance thereof;

- c) Establishment of runoff controls for soils removed in restoration and/or remediation of oil sites; and
- d) Encourage and assist, where appropriate, County efforts to implement restoration or other water quality improvement projects in flood control channels that empty into the Bolsa Chica, Huntington Beach Wetlands and beach areas in order to minimize negative impacts from urban runoff while maintaining flood control effectiveness.

C 6.1.7

Improve and maintain existing infrastructure to prevent sewage system failures that may result in the discharge of untreated sewage into coastal and ocean waters. Regular inspection of sewer lines, pumps stations and preventative maintenance activities shall be undertaken to minimize the potential for ruptured lines or faulty infrastructure to cause or contribute to a sewage spill. The City shall implement management measures

for its systems to prevent sewage spills, and other causes of bacterial pollution in coastal waters in response to scientific findings and recommendations resulting from monitoring and other investigations. (*I-C 10*)

C 6.1.8

Periodically assess the adequacy of the County's water quality monitoring procedures for the City's wetlands, harbors and beaches and coordinate with responsible agencies to ensure adequate monitoring. (*I-C 11, I-C 12*)

C 6.1.9

Coordinate with responsible agencies to investigate probable Huntington Harbour water quality impairments and establish improvement measures such as requiring boat pumpout or holding tank facilities in existing and new development. (*I-C 12*)

C 6.1.10

Monitor and coordinate with responsible agencies to ensure that dissolved oxygen levels in Huntington Harbour do not fall below minimum standards. Encourage, and require when appropriate, the installation of aeration and water circulation devices, regulate the dredging schedule and implement other appropriate mitigation measures when and where needed. (*I-C 12*)

C 6.1.11

The City, in consultation with appropriate agencies, and interested stakeholders shall identify regulatory and non-regulatory mechanisms for implementing management measures for marinas and recreational boating activities contained in California's Plan for the Control of Nonpoint Source Pollution (CCC & SWRCB 2000) in Huntington Harbour. Additionally, the City shall identify and support mechanisms for implementing an educational program targeted at boat operational and maintenance activities such as the Boating Clean & Green Campaign or equivalent in the Harbour.

Eliminate the use of anti-fouling chemical treatments on boats moored in the harbor, except at permitted locations. (*I-C 2, I-C 3, I-C 12*)

C 6.1.12

Periodically review the City's policies on water conservation, including the Water Conservation Ordinance, to ensure the use of state of the art conservation measures for new development and redevelopment, and retrofitting of existing development, where feasible and appropriate, to implement these measures. (*I-C 11*)

C 6.1.13

Encourage research and feasibility studies regarding ocean water desalinization as an alternative source of potable water. Participate in regional studies and efforts where appropriate. (*I-C 22n*)

C 6.1.14

Encourage water reclamation projects, including household wastewater reclamation, and the use of reclaimed water for purposes such as irrigation, where feasible and appropriate. (*I-C 2, I-C 3*)

C 6.1.15

Where new storm drain outlets are necessary, discharge points shall be sited and designed to release in the least environmentally sensitive location and manner. (*I-C 3, I-C 7, I-C 8, I-C 22k*)

- a) Storm drains are prohibited from discharging directly into ESHA, or wetlands unless there is no other feasible alternative in which case storm drain discharge shall be accomplished in a manner that is the least environmentally damaging feasible alternative.
- b) The volume and quality of stormwater discharged into coastal waters, ESHA, or wetlands shall maintain or enhance the functional

capacity of the receiving waters or ESHA.

- c) Energy dissipater devices shall be installed on all approved storm drain outlets to prevent erosion and scour.

C 6.1.16

Encourage the Orange County Sanitation District to accept dry weather nuisance flows into the sewer system for treatment prior to discharge. (*I-C 12*)

C 6.1.17

Natural drainage patterns in areas designated as Conservation or Open Space and Recreation shall be maintained and restored where feasible. (*I-C 7, I-C 8*)

C 6.1.18

New flood control projects and substantial reconstruction of existing flood control facilities shall, to the extent feasible: (*I-C 7, I-C 12, I-C 22l*)

- a) Expand the floodplain.
- b) Maximize soft bottom habitat.
- c) Slow water to encourage percolation through the use of off-line detention basins or other similar structures.
- d) Consider the diversion of dry weather nuisance flows to the sewer system.
- e) Prevent and remove encroachments into the floodplain to the extent feasible.
- f) Restore pool and riffle sequence to slow and aerate the water.

C 6.1.19

Prior to approval of any new or expanded seawater pumping facilities, require the provision of maximum feasible mitigation measures to minimize damage to marine organisms due to entrainment in accordance with State and Federal law. (*I-C2, I-C 7, I-C 8*)

C 6.1.20

Limit diking, dredging, and filling of coastal waters, wetlands, and estuaries to the specific activities outlined in Section 30233 and 30607.1 of the Coastal Act and to those activities required for the restoration, maintenance, and/or repair of the Municipal Pier and marina docks. Conduct any diking, dredging and filling activities in a manner that is consistent with Section 30233 and 30607.1 of the Coastal Act. (*I-C 2, I-C 7, I-C 8*)

C 6.1.21

Monitor harbor dredging to ensure consistency with Coastal Act Section 30233 and minimal impacts to water quality, plant, and biological resources. (*I-C 2, I-C 7, I-C 8, I-C 12*)

C 6.1.22

Monitor sand movement, coastal erosion and methods of mitigation. (*I-C 12, I-C 15*)

C 6.1.23

Prohibit groins, cliff retaining walls, pipelines, outfalls, and other such construction structures or activities that may alter natural shoreline processes unless designed to eliminate or mitigate adverse impacts on local shoreline sand supply. (*I-C 2*)

C 6.1.24

Promote the improvement of tidal circulation in the Talbert Marsh, the Bolsa Chica, Huntington Harbour, and Anaheim Bay resulting in minimal impacts to sand migration, aesthetics, and usability of the beach area. (*I-C 8, I-C 12*)

C 6.1.25

Require that new development and redevelopment minimize the creation of impervious areas and, where feasible, reduce the extent of existing unnecessary impervious areas, and incorporate adequate mitigation to minimize the alteration of

natural streams and/or interference with surface water flow. (*I-C 8, I-C 15*)

C 6.1.26

Protect, maintain and enhance, where feasible, existing natural vegetation buffer areas surrounding riparian habitats. (*I-C 2, I-C 8*)

C 6.1.27

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat. (*I-C 7, I-C 8*)

C 6.1.28

Support the creation of a wildlife sanctuary for habitats along the coast in order to preserve and protect natural beach environments. (*I-C 1, I-C 2, I-C 7, I-C 8*)

C 6.1.29

Continue to support the ongoing Orange County Water District's Barrier Wells project. (*I-C 12*)

**ENVIRONMENTALLY SENSITIVE
HABITATS**

Goal

C 7

Preserve, enhance and restore, where feasible, environmentally sensitive habitat areas (ESHAs) in the City's Coastal Zone, including the Bolsa Chica which is within the City's Sphere of Influence.

Objective

C 7.1

Regulate new development through design review and permit issuance to ensure consistency with Coastal Act requirements and minimize adverse impacts to identified environmentally sensitive habitats and wetland areas.

Policies

C 7.1.1

Evaluate any existing environmental degradation or potential degradation from current or planned storm drain and flood control facilities in wetlands or other sensitive environments.

Storm drains and flood control projects shall be designed to minimize adverse impacts to wetlands or other environmentally sensitive areas. Additionally, flood control projects shall be designed, to the maximum extent feasible, to avoid reducing the width of the floodplain, to remove any encroachments into the floodplain, and to restore the natural bottom and width of the floodplain. (*I-C 7, I-C 8*)

C 7.1.2

Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

In the event that development is permitted in an ESHA area pursuant to other provisions of this LCP, a “no-net-loss” policy (at a minimum) shall be utilized. (*I-C 7, I-C 8*)

C 7.1.3

Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas. (*I-C 7, I-C 8*)

C 7.1.4

Require that new development contiguous to wetlands or environmentally sensitive habitat areas include buffer zones. Buffer zones shall be a minimum of one hundred feet setback from the landward edge of the wetland, with the exception of the following: (*I-C 2, I-C 7*)

A lesser buffer may be permitted if existing development or site configuration precludes a 100 foot buffer, or conversely, a greater buffer zone may be required if substantial development or significantly increased human impacts are anticipated. In either case, the following factors shall be considered when determining whether a lesser or wider buffer zone is warranted. Reduced buffer zone areas shall be reviewed by the Department of Fish and Game prior to implementation.

- a) Biological significance of adjacent lands: The buffer should be sufficiently wide to protect the functional relationship between wetland and adjacent upland.
- b) Sensitivity of species to disturbance: The buffer should be sufficiently wide to ensure that the most sensitive species will not be disturbed significantly by permitted development, based on habitat requirements of both resident and migratory species and the short and long term adaptability of various species to human disturbance.
- c) Susceptibility of parcel to erosion: The buffer should be sufficiently wide to allow for interception of any additional material eroded as a result of the proposed development based on soil and vegetative characteristics, slope and runoff characteristics, and impervious surface coverage.
- d) Use existing cultural features to locate buffer zones: The buffer

zone should be contiguous with the environmentally sensitive habitat area and make use of existing features such as roads, dikes, irrigation canals, and flood control channels where feasible.

C 7.1.5

Notify County, State and Federal agencies having regulatory authority in wetlands and other environmentally sensitive habitats when development projects in and adjacent to such areas are submitted to the City.

The implementation of any Habitat Conservation Plan shall require an amendment to the Local Coastal Program. Incidental take of sensitive habitat and/or species that occurs in the context of development must be consistent with this LCP. (*I-C 8, I-C 12*)

Objective

C 7.2

Promote the improvement of the biological productivity and appearance of wetland and environmentally sensitive habitats.

Policies

C 7.2.1

Promote the re-establishment of tidal flushing in wetland areas. (*I-C 7, I-C 8, I-C 12*)

C 7.2.2

Promote the participation of County, State and federal agencies in the enhancement and maintenance of environmentally sensitive habitats by actively pursuing funding from the California Coastal Conservancy and other State and federal agencies to develop and maintain landscaped buffer areas around the edge of the wetlands. (*I-C 12*)

C 7.2.3

Require that agencies involved in the enhancement of wetlands implement the following measures: (*I-C 7, I-C 8*)

- a) Site and design culverts to ensure against the risk of flood damage to adjacent property, and
- b) Develop a contingency plan to protect environmentally sensitive habitats in the event of spills of toxic and other harmful substances into flood control channels.

C 7.2.4

Encourage the Orange County Flood Control District to improve, and continue to maintain once improved, the Huntington Beach and Talbert Flood Control Channel embankment from Beach Boulevard to the Santa Ana River by implementing the following measures: (*I-C 12*)

- a) Restore and enhance tidal flows into the area and expand the existing mudflat and saltmarsh habitats.
- b) Plant native plant species to enhance wildlife diversity.
- c) Enhance the visual appearance of wetland areas.
- d) Projects that impact the wetlands shall be sited and designed to improve the overall functioning of the wetland ecosystem.

C 7.2.5

Prohibit all uses within the least tern nesting site on Huntington State Beach except those related to habitat restoration. (*I-C 7, I-C 12*)

C 7.2.6

Prohibit fill in any wetland areas for the purpose of road construction, except for roads allowed pursuant to Section 30233 of the Coast Act or when required to serve uses allowed in wetlands pursuant to and consistent with Sections 30260-30264 of the Coastal Act for coastal dependent and energy uses. Any roads governed by this policy shall be limited to necessary access roads appurtenant to the facility, and shall be permitted only where there is no feasible, less environmentally damaging alternative

and where feasibility mitigation measures have been provided. (*I-C 7, I-C 8*)

Objective

C 7.3

Promote public awareness of sensitive habitats and their environmental benefits.

Policies

C 7.3.1

Encourage educational centers such as wetland/coastal habitat models and information booths or displays in non-residential projects adjacent to wetlands. Such centers shall be sited and designed to prevent impacts, which would significantly degrade the wetlands. (*I-C 22b*)

ENERGY FACILITIES

Goal

C 8

Accommodate energy facilities with the intent to promote beneficial effects while mitigating any potential adverse impacts.

Objective

C 8.1

Continue to pursue and promote interdepartmental coordination within the City, as well as, interagency coordination between the City, other levels of government and outside agencies regarding energy related issues affecting the City.

Policies

C 8.1.1

Maintain an up to date catalogue identifying the outside agencies with control or influence over energy issues, including a definition of their role, authority and responsibilities. (*I-C 12*)

C 8.1.2

Continue to identify and participate in opportunities for local input in the planning and decision making processes of State and

federal agencies involved with energy issues. (*I-C 12*)

C 8.1.3

Monitor energy activities that could affect Huntington Beach by undertaking the following tasks: (*I-C 12*)

1. Joining mailing lists of relevant State and federal agencies;
2. Commenting on EIR's, EIS's, call-for-nominations for OCS tract selections and other reviews; and
3. Periodically meeting with major energy companies in the City
4. Promote increased coordination among municipal departments charged with different aspects of energy planning and regulation, and establish a common data base for all departments involved with energy issues.

C 8.1.4

Continue to inventory, review and monitor existing oil spill plans and ensure that the role of the City is defined and acceptable. (*I-C 22o,p,q*)

C 8.1.5

Continue to support the U.S. Coast Guard in the Local Response Team effort for oil spill emergencies. (*I-C 12*)

C 8.1.6

Continue to support efforts of the U.S. Geological Survey and State Division of Oil and Gas to ensure the safety of oil extraction and related activities onshore and offshore. (*I-C 12*)

C 8.1.7

Continue to support efforts by the U.S. Coast Guard and the Army Corps of Engineers to protect marine traffic safety while accommodating offshore oil development. (*I-C 12*)

C 8.1.8

Maintain an up to date data base identifying the location, status and ownership of all oil wells and tanks in the City. Account for any discrepancies between State and City records. (*I-C 22q*)

C 8.1.9

Through the development permit process, ensure that new development provides for the retention of access to underground oil reserves where needed. (*I-C 7, I-C 8*)

Objective

C 8.2

Encourage the production of energy resources as efficiently as possible with minimal adverse impacts.

Policies

C 8.2.1

Support the research, development and application of new energy technologies so long as public health, safety and welfare are not jeopardized and environmental impacts are mitigated to the maximum extent possible. (*I-C 7, I-C 17*)

C 8.2.2

Require the mitigation of adverse impacts from new technologies employed in electricity generation to the maximum extent feasible. (*I-C 7, I-C 8*)

C 8.2.3

Encourage unitization and consolidation of existing oil operations and require the consolidation of new or expanded operations in accordance with LCP Policy 8.3.4 to the maximum extent feasible and legally permissible when such activities (1) reduce the area used for oil facilities; (2) are not more environmentally disruptive than existing arrangements, and (3), do not jeopardize public health, safety or welfare. (*I-C 7, I-C 8*)

C 8.2.4

Accommodate coastal dependent energy facilities within the Coastal Zone consistent with Sections 30260 through 30264 of the Coastal Act. (*I-C 1, I-C 2*)

C 8.2.5

Continue to accommodate “enhanced” oil recovery activities that reduce negative environmental and safety impacts. (*I-C 2, I-C 7*)

C 8.2.6

Periodically review the City Oil Code to determine the adequacy of measures to protect public safety. Modify the Oil Code accordingly to the extent that the revisions are not inconsistent with this LCP. (*I-C 3*)

C 8.2.7

Periodically review monitoring and enforcement of the City Oil Code and Noise Ordinance as related to energy operations to determine their effectiveness in regulating energy operations, and where necessary adopt improvements to the extent that the revisions are not inconsistent with this LCP. (*I-C 3, I-C 6*)

C 8.2.8

Ensure that both on and off shore oil spill containment plans for the City include adequate measures consistent with this LCP to protect the shoreline and sensitive areas such as Huntington Harbour, the wetlands, the Santa Ana River mouth and the least tern nesting area, as well as the health, safety and welfare of the public in case of an oil spill. (*I-C 22q*)

C 8.2.9

Maintain the requirements for site specific emergency evacuation plans for the areas adjacent to the tank farms in the event of dike system failure or other upset. Ensure that the contingency plans, consistent with this LCP, provide for the protection of public health, safety and welfare, as well as

sensitive habitat areas nearby. (*I-C 2, I-C22q*)

C 8.2.10

Continue to participate in the Orange County Cities Hazardous Material Emergency Response Authority or its equivalent to provide for coordination, training and compensation for prevention, monitoring and clean up of oil spills and/or hazardous materials. (*I-C 12*)

Objective

C 8.3

Accommodate new energy production facilities while requiring maximum efficiency and mitigation of adverse impacts.

Policies

C 8.3.1

Promote the use of solar energy and encourage energy conservation. (*I-C 1, I-C 2, I-C-3, I-C 8*)

C 8.3.2

Inventory existing credits and incentives regarding solar energy and conservation available to individuals, businesses and the City from State and federal governments and make this information available to the public. (*I-C 12*)

C 8.3.3

Encourage development of new methods to conserve energy such as the following: (*I-C 2, I-C 7*)

1. Solar water heating requirements for new developments;
2. Solar access and orientation;
3. The limited use of conventional fuels for heating swimming pools;

4. Requirements for “weatherization” and other minimum conservation measures, and

5. Energy audits of buildings at time of deed transfer.

C 8.3.4

Adopt the following priority for siting new oil-related facilities, provided that the new activities are adequately screened and buffered from surrounding uses, adverse environmental impacts are mitigated to the maximum extent feasible, the activities do not jeopardize public health, safety or welfare, and there is no other feasible location which is less environmentally damaging or less disruptive of significant social, aesthetic or economic concerns: (*I-C 2, I-C 4*)

1. Existing, consolidated islands
2. New consolidated islands
3. Existing oil parcels
4. New parcels outside the coastal zone
5. New parcels within the coastal zone

C 8.3.5

Encourage the merger of existing oil production sites to approved consolidation sites. (*I-C 2, I-C 4*)

C 8.3.6

Participate in the evaluation of any proposed tanker unloading operations off of the Huntington Beach shoreline. Ensure that upset risks be adequately addressed and discourage increased threats to recreational activities and sensitive habitats. (*I-C 7, I-C 8, I-C 12*)

C 8.3.7

Require the use of pipelines rather than tankers to transport offshore oil and gas to shore. (*I-C 2, I-C 8, I-C 12*)

C 8.3.8

Coordinate with responsible agencies to discourage the re-activation or construction of offshore marine terminals where the terminals cannot be accommodated without resulting in either 1) increased tanker operations and associated onshore development incompatible with the land use and environmental goals for the area or 2) increased risk to environmentally sensitive habitat areas. (*I-C 7, I-C 8, I-C 12*)

C 8.3.9

As a part of the permit process, require that a survey be conducted along the route of any new pipeline in the coastal zone to determine what, if any, coastal resources may be impacted by construction and operation of the pipeline. (*I-C 7*)

C 8.3.10

Require the routes of new pipelines and transmission lines to avoid important coastal resources, including recreation areas and sensitive habitats, to the maximum extent feasible; pipelines which cannot be routed to avoid such areas shall be constructed and maintained in ways that minimize the impacts from spills or leaks to the maximum extent feasible; appropriate cleanup and spill prevention measures shall be included in a spill contingency plan. (*I-C 7, I-C 8*)

C 8.3.11

Require automatic shut off valves to isolate segments of pipelines carrying hazardous liquids passing through important coastal resource areas, including recreation, sensitive habitat and archeological areas. (*I-C 2, I-C 8*)

C 8.3.12

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur. (*I-C 7, I-C 8*)

C 8.3.13

As part of the permit process, require the mitigation of erosion in the siting and construction of new pipelines. (*I-C 2, I-C 8*)

C 8.3.14

Prohibit the use of chemical herbicides during pipeline construction. (*I-C 8*)

C 8.3.15

Require new pipelines, including offshore to onshore lines to be consolidated in existing pipeline corridors, where feasible, unless there are overriding technical constraints or significant social, aesthetic, environmental or economic concerns. (*I-C 2, I-C 7*)

C 8.3.16

As part of the permit process, require mitigation measures to repair scarring, grading or other vegetative removal resulting from transmission line or pipeline installation or maintenance through methods including but not limited to spreading topsoil removed in pipeline trenching over the surface of the construction area. Affected areas are to be re-vegetated with plants similar to those in the area. (*I-C 2, I-C 7, I-C 8*)

Objective

C 8.4

Minimize the safety and aesthetic impacts of resource production facilities on non-resource production land uses.

Policies

C 8.4.1

Promote aesthetic and environmental compatibility between oil activities and other uses through measures such as fencing, planting and landscaping, screening and buffering. (*I-C 2, I-C 4*)

C 8.4.2

Encourage the owners of the electric generating plant located on Pacific Coast Highway to provide landscaping and other measures to buffer and screen the power plant from Pacific Coast Highway and Beach Boulevard. Require any power plant expansion or alteration proposals to include adequate buffer and screening measures. (*I-C 2, I-C 7*)

C 8.4.3

Encourage comprehensive planning for new uses on large oil parcels. (*I-C 1, I-C 2*)

C 8.4.4

Encourage dual-uses of oil field surface areas so long as new uses and oil activities are compatible, and access to underground zones can be accommodated by the new use. (*I-C 1, I-C 2*)

C 8.4.5

Encourage the conversion of the NESI (Ascon) site at the southwest corner of Hamilton and Magnolia to new uses if the contents of the site are found not to be dangerous to public health, safety and welfare, or if all harmful deposits are removed, capped or decontaminated pursuant to Federal and State Environmental Protection Agency, as well as, City safety standards. (*I-C 1, I-C 2, I-C 4, I-C 7, I-C 8*)

WATER, SEWER AND DRAINAGE FACILITIES

Goal

C 9

Provide water, sewer and drainage systems that are able to support permitted land uses; upgrade existing deficient systems; and pursue funding sources to reduce costs of wastewater service provision in the City.

Objective

C 9.1

Provide and maintain water, sewer and drainage systems that adequately serve planned land uses at a maximized cost efficiency.

Policies

C 9.1.1

Approve and implement development in accordance with the Coastal Element Land Use Plan. (*I-C 21*)

C 9.1.2

Adopt and maintain master plans and capital improvement programs consistent with this LCP to ensure that water, sewer and drainage needs are met. The master plan and capital improvement program shall address issues such as ongoing maintenance, new facility needs to meet projected demands of planned land uses, funding sources, phasing and prioritization and responsible agencies. (*I-C 10, I-C 18, I-C 22*)

C 9.1.3

New sewer systems and substantial improvements to existing sewer systems shall incorporate monitoring systems which verify the operational integrity of the sewer system to assure that coastal waters are protected. (*I-C 3, I-C 7, I-C 22*)

HAZARDS

Goal

C 10

Minimize risks to life and property in areas of high hazards (e.g., geologic, flood and fire) within the Coastal Zone and ensure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Objective

C 10.1

Identify potential hazard areas in the City and manage/mitigate potential risks and impacts through land use regulation, public awareness and retrofitting where feasible.

Policies

C 10.1.1

Maintain a complete data-base of the locations and distribution of seismic and geologic hazards related to ground shaking, liquefaction, subsidence, soil stability, slope stability and water table levels. (*I-C 20*)

C 10.1.2

Promote land use patterns, zoning ordinances and locational criteria that mitigate potential risks posed by development in hazard areas, or which significantly reduce risk from seismic hazards. (*I-C 2, I-C 8*)

C 10.1.3

Require seismic/geologic assessment prior to construction in the Alquist-Priolo Earthquake Fault Zone as shown in **Figure C-28**. (*I-C 7*)

C 10.1.4

Require appropriate engineering and building practices for all new structures to

withstand ground shaking and liquefaction such as those stated in the Uniform Building Code. (*I-C 5*)

C 10.1.5

Establish specific priorities for improvement of existing structures based on hazard to life, type of occupancy, method of construction, physical condition, and location. (*I-C 5*)

C 10.1.6

Minimize bluff and mesa edge erosion through the regulation of new development up stream. (*I-C 7*)

C 10.1.7

Minimize beach sand loss through the regulation of new development. (*I-C 7, I-C 15*)

C 10.1.8

Continue to establish, through the identification of Methane Overlay Districts, areas of existing methane seepage in the Coastal Zone as shown in **Figure C-32** and continue to investigate and evaluate new areas in the City with methane seepage. (*I-C 20*)

C 10.1.9

Maintain and revise as necessary, standards of construction (consistent with this LCP) within identified Methane Overlay Districts. (*I-C 3*)

C 10.1.10

Establish, enforce and periodically update testing requirements for sites proposed for new construction within the identified Methane Overlay Districts. (*I-C 3*)

C 10.1.11

Provide mitigation measures and other assistance intended to reduce the potential for the buildup of methane to hazardous levels within existing buildings (residences and businesses). (*I-C 8*)

C 10.1.12

Monitor methane levels in the identified Methane Overlay District. (*I-C 6*)

C 10.1.13

Prepare emergency response plans for use in methane related emergencies. (*I-C 8*)

C 10.1.14

During major redevelopment or initial construction, require specific measures to be taken by developers, builders or property owners in flood prone areas (**Figure C-33**), to prevent or reduce damage from flooding and the risks upon human safety. Development shall, to the maximum extent feasible and consistent with the Water and Marine Resource policies of this LCP, be designed and site to: (*I-C 7, I-C 8*)

- a) Avoid the use of protective devices,
- b) Avoid encroachments into the floodplain, and
- c) Remove any encroachments into the floodplain to restore the natural width of the floodplain.

C 10.1.15

Maintain and upgrade, as appropriate, the County of Orange and the City of Huntington Beach's flood control systems in conjunction with the Santa Ana River Main Stem Project to minimize hazards due to flooding. To the maximum extent feasible, upgrading to the 100 year flood event should be accomplished through development setbacks and the removal of encroachments into the floodplain. Upgrades to the flood control system shall incorporate the best mitigation measures. (*I-C 10, I-C 12*)

C 10.1.16

Support the Santa Ana River Main Stem Project to the extent that it is consistent with the policies and standards of this LCP. (*I-C 12*)

C 10.1.17

Coordinate with the County of Orange for the operation of the County's portion of the flood control system. (*I-C 12*)

C 10.1.18

Maintain the City's portion of the flood control system at a level necessary to protect residents from 100-year flood risks. Upgrades to the flood control system shall incorporate the best mitigation measures feasible. (*I-C 10*)

C 10.1.19

Identify tsunami and seiche susceptible areas (**Figure C-30**), and require that specific measures be taken by the developer, builder or property owner during major redevelopment or initial construction, to prevent or reduce damage from these hazards and the risks upon human safety. Development permitted in tsunami and seiche susceptible areas shall be designed and sited to minimize this hazard and shall be conditioned to prohibit a shoreline protective device. (*I-C 20*)

C 10.1.20

Participate in the National Weather Service or other system for local tsunami and/or seiche warnings. (*I-C 12*)

C 10.1.21

Maintain a thorough knowledge of the location and distribution of peat conditions in the City of Huntington Beach Coastal Zone and minimize associated hazards through the regulation of new development. (*I-C 7, I-C 8*)

C 10.1.22

Subsidence shall be monitored and groundwater re-pressurization or other methods shall be used to limit potential subsidence impacts. (*I-C 8*)

C 10.1.23

Where development areas adjoin bluffs, all buildings and habitable structures shall be set back a sufficient distance from the bluff edge to be structurally safe from the threat of bluff erosion for a minimum of seventy-five (75) years. Geotechnical engineering reports shall be required from all applicants at the time an application for development adjoining a blufftop is submitted to determine the adequacy of any proposed setback. (*I-C 7*)

INTERAGENCY COORDINATION

Goal

C 11

Provide for formal cooperation among adjacent jurisdictions and other public agencies whose actions may have significant impacts on the City's coastal zone resources and planning efforts.

Objective

C 11.1

Establish a process to ensure adequate inter-jurisdictional coordination.

Policies

C 11.1.1

Establish a staff coordinating committee of representatives from planning, public works and community services to coordinate and cooperate with adjacent jurisdictions and other public agencies in developing and reviewing plans affecting the Huntington Beach Coastal Zone and adjacent areas. The committee shall review plans and provide comments and recommendations for the following projects/project areas: (*I-C 12*)

1. The Bolsa Chica
2. Huntington and Bolsa Chica State Beach
3. Santa Ana River Flood Control Project
4. Arterial Highways and Bridges
5. NESI (Ascon) site

IMPLEMENTATION PROGRAMS

I-C 1

Coastal Element

Implement the Coastal Element Land Use Plan Map and policies. The Coastal Element should be reviewed and updated periodically to ensure consistency with the General Plan and Coastal Act. In the event of a proposed amendment to the Coastal Element, the established procedure for general plan amendments, including environmental review, public notification and hearings, shall be followed. In addition, Coastal Act procedures for amending Coastal Elements shall be followed.

I-C 2

Zoning and Subdivision Ordinance

The principal method for the implementation of the Coastal Element is the Huntington Beach Zoning and Subdivision Ordinance. The City's zoning mechanisms, such as the "City of Huntington Beach District maps", and Huntington Beach Zoning and Subdivision Ordinance shall be updated to be consistent with the Coastal Element provisions of the land use, density/intensity, design and development standards, and other pertinent policies contained in this Element, and shall be incorporated into the Local Coastal Program Implementation Program. Updates affecting the coastal zone will be processed as amendments to the City's Local Coastal Program and will not become effective until certified by the California Coastal Commission.

I-C 3

Other Ordinances

- a) Continue to implement the City's sign, oil and landscape ordinances, as well as other ordinances, to the extent that they are not inconsistent with the Coastal

Element. Periodically review and update all Coastal Zone applicable ordinances to ensure consistency with the Coastal Act and Coastal Element policy. Ordinance updates affecting the coastal zone will be processed as amendments to the City's Local Coastal Program and will not become effective until certified by the California Coastal Commission.

- b) Adopt and enforce an ordinance to define, identify and protect significant trees and groves in the Coastal Zone consistent with the standards of the City's Local Coastal Program. Require that removed mature trees be replaced at a 2:1 ratio.

- c) Adopt and enforce an Efficient Water Use Ordinance in accordance with AB325 to the extent that it is not inconsistent with the Coastal Element. The Efficient Water Use Ordinance shall require the following to use reclaimed water, where available, in landscape areas:

1. Homeowner associations;
2. Public buildings; and
3. Non-residential buildings with landscaped areas greater than 5,000 square feet.

- d) Develop and implement a pollutant runoff control program/ordinance that includes structural controls, non-structural controls, and best management policies. Require all residential, commercial, and industrial sites and construction sites to implement the pollutant runoff control program. Include guidelines for the use of anti-fouling treatments by boat repair service operating in the City of Huntington Beach and the use of such treatments by boat owners that use Huntington Harbour as their home port. The water

quality ordinance shall be implemented consistent with the requirements of the City's Local Coastal Program.

- e) Continue to expand the NPDES program, consistent with the City's Local Coastal Program, including the following:
1. Adopting an ordinance patterned after the countywide ordinance requiring industries and businesses, and construction activities larger than five acres to obtain regulatory permits for pollution runoff control;
 2. Adopting a drainage area management plan for the city to control pollution runoff, and
 3. Performing a reconnaissance survey of the discharges to eliminate illegal and illicit surface water and groundwater discharges.

I-C 4 **Specific Plans**

Continue to use Specific Plans as a mechanism to provide more thorough and definitive planning standards for both the undeveloped lands and the revitalization of existing urbanized areas. Specific Plan amendments will be processed as amendments to the City's Local Coastal Program and will not become effective until certified by the California Coastal Commission. Specific Plans shall be considered and/or continued for a number of areas, including the following within the Coastal Zone:

- Downtown
- Huntington Harbour Bayclub
- Holly Seacliff (a portion of)
- Seacliff
- Magnolia/Pacific
- Palm/Goldenwest

I-C 5

Building Codes

- a) The City shall continue to use the Uniform Building Code, National Electrical Code, Uniform Plumbing Code, Uniform Mechanical Code, American Disabilities Act, and Uniform Fire Code, as adopted by the State of California and local amendments, as the sets of rules and regulations by which new construction, adaptive re-use, and renovations shall occur. The Codes shall be reviewed to ensure their consistency with the Coastal Element; reflect changes in State legislation, and reflect conditions that are unique to the City.
- b) Utilize the State of California Historic Structures Building Code to the extent it is not inconsistent with the City's Local Coastal Program to accommodate the rehabilitation and revitalization of historic and older structures.

I-C 6

Code Enforcement/Maintenance

- a) City of Huntington Beach codes and ordinances that implement the Coastal Element shall be enforced. The City may wish to expand pro-active code enforcement efforts to include periodic City-initiated surveys of buildings and site conditions, and, where problems are found, require code compliance.
- b) Solicit volunteer groups (local scouts, local ecological groups, churches, etc.) to coordinate and work annual volunteer "clean up" sessions or other programs at beaches and other recreational facilities within the Coastal Zone.
- c) Clean and inspect City marine facilities daily.

I-C 7

Design and Development Review

- a) Some of the policies in the Coastal Element specify standards and guidelines for architecture, site, and landscape design for development within the Coastal Zone. These policies should be implemented in the following manner:
 - 1. The most critical should be incorporated in the City's Zoning and Subdivision Ordinance.
 - 2. The guidelines and standards should be incorporated into and precisely defined in Specific Plans.
 - 3. They may be formally structured as Design Guidelines, to be used to review proposed development projects subject to discretionary review. In this application, guidelines should be defined as they apply to each category of use within the Coastal Zone, and for specific uses and sub-areas, as applicable.
- b) Development review procedures should include review by all City Departments and outside service providers, as appropriate. Recommendations of other public agencies that provide infrastructure, facilities, and services should be reviewed through the development review process.
- c) The City Design Review Board shall review projects subject to discretionary approval according to their compliance with the City's Local Coastal Program. Other established design guidelines may be used to the extent they are not inconsistent with the City's Local Coastal Program.

- d) Require through the development/design review process the following:
1. That all Huntington Beach facilities have barrier free access;
 2. The protection, enhancement and sensitive development of park and open space areas which possess scenic, environmental, historic, and cultural values;
 3. That all park and recreation facility sites have numerous access points to roads, paths, trails and bikeways, and
 4. The construction and dedication of recreational trails and bikeways determined to enhance and/or link the existing trails and bikeways system.
 5. Review potential impacts of proposed projects to the circulation system and require appropriate mitigation measures. Proposed projects shall be designed to, or include mitigation measures that, facilitate the provision or extension of transit service and minimize energy consumption and vehicle miles traveled.
 6. Require that new bicycle trip destinations be equipped with bicycle racks.
 7. Review all projects for potential visual impacts to surrounding areas.
 8. Utilize the development review process to examine each development's potential to provide public plazas, entry courts, or common areas. Require such amenities where feasible and appropriate.
 9. Require that coastal recreational facilities to be developed with amenities that can be used during all of the seasons.
 10. Require a truck routing plan for all proposed mineral/oil extraction operations.
 11. Require all extraction operations to mitigate noise, odor and dust impacts to the maximum extent feasible.
 12. Require extraction operations to visually buffer extraction facilities and equipment from surrounding land uses.
 13. Require a reclamation plan, if needed, pursuant to state and federal statutes.
 14. Require that all proposals for mineral/oil extraction and reclamation be reviewed by the Planning Commission and City Council.
 15. All new development shall be linked to the existing sewer system.
 16. Sufficient utility capacity, including potable water supply must be available at time of occupancy or earlier, unless adequate alternative mitigation is approved.
 17. Water efficient fixtures shall be required for all new development.
 18. The use of reclaimed water for the irrigation of all large landscaped areas in all developments shall be encouraged.

- e) Revisions to policies and standards affecting the City's coastal zone which are contained in the Coastal Element, Specific Plans, the City's Zoning Code, and other City Ordinances shall be processed as amendments to the City's Local Coastal Program and shall not become effective until certified by the California Coastal Commission.

I-C 8

Environmental Review

- a) Annually review procedures of the California Environmental Quality Act mandating environmental review of projects for consistency with the Plan, legislative changes, and their effectiveness in providing adequate information for discretionary project approvals.
- b) Utilize the development review/environmental review process to determine the proposal's conformance with the requirements of local, State, and Federal environmental protection laws, such as but not limited to the California Environmental Quality Act (CEQA).
- c) For proposed projects within the Coastal Zone, utilize the development review/environmental review process to accomplish the following:
 - 1. Examine each development's potential to affect habitat. To the maximum extent feasible project impacts on habitat shall be minimized through avoidance. In the event mitigation is necessary, mitigation shall be provided on-site if feasible or within the general vicinity if on-site mitigation is not feasible. Determine the necessity for Mitigation Agreements or other coordination with the California Department of Fish and Game, California Coastal Commission and/or federal agencies to obtain necessary permits for developments that appear to affect habitat.
 - 2. Permit resource dependent and incidental public service related land uses within wetlands and environmentally sensitive habitat areas only if consistent with the following Coastal Act policies: Section 30233 and Section 30240.
 - 3. Require improving the natural biological value, integrity and function of coastal wetlands and dunes through native vegetation restoration, control of alien plants and animal, landscape buffering and development setbacks.
 - 4. Review any development proposal for the Bolsa Chica area to ensure that no development is permitted in wetlands.
 - 5. Review any development proposed for non-wetland areas to ensure that appropriate setbacks and buffers are maintained between development and environmentally sensitive areas to protect habitat quality.
 - 6. Maintain on file an up to date copy of the Department of Fish and Game's Natural Diversity Data Base and utilize the information when conducting development review and/or environmental analysis of proposed projects or activities in the Coastal Zone.

I-C 9
Access

Circulation

- a) Implement the Potential For 2010 Circulation Plan as depicted in **Figure C-12** of this Coastal Element. Update as necessary to maintain consistency with the General Plan, however, revisions to 2010 Circulation Plan, occurring in the coastal zone shall be processed as an LCP amendment and shall not become effective until certified by the Commission.
- b) Through the City's development review and California Environmental Quality review process, require an analysis of traffic impacts (including public access to the coast) and a program for the implementation of mitigation measures for new development and the adaptive re-use of existing structures, where it is determined to be appropriate. The studies should include an analysis of the following:
 - 1. Specific site characteristics such as access/ingress, level of service at peripheral intersections, traffic intrusion into adjacent residential neighborhoods;
 - 2. Compliance with the Congestion Management Plan and Circulation Element;
 - 3. Improvements required by new development;
 - 4. Timing of improvements;
 - 5. Funding of improvements;
 - 6. Transportation demand management strategies, including strategies that would minimize energy

consumption and vehicle miles traveled;

- 7. An analysis of traffic impacts (including cumulative and parking impacts) on the ability of the public to access the coast with mitigation measures designed to enhance, where feasible, public access to the coast; and
- 8. Effect of proposed development and circulation improvements on the provision or extension of transit service.
- c) Continue to implement, review, monitor and update, as necessary to improve public coastal access, the following:
 - 1. Existing and proposed roadway systems on an annual basis. Use the information to identify and prioritize capital improvements including road widening, paving and intersection improvements to promote public coastal access opportunities when consistent with the City's Local Coastal Program;
 - 2. The City's circulation plan to the extent it is consistent with the City's Local Coastal Program;
 - 3. The City's traffic model to the extent it is consistent with the City's Local Coastal Program;
 - 4. The City's Trail Master Plan to the extent it is consistent with the City's Local Coastal Program;
- d) Coordinate with neighboring jurisdictions regarding circulation for autos, pedestrians and cyclists to promote coastal access opportunities.

- e) Explore the use of water taxis in Huntington Harbour and ocean frontages, especially those near commercial land uses.

Parking Management

- f) Prohibit the implementation of preferential parking districts whenever it would adversely affect public access to the coast through a reduction in the availability of public parking spaces used by public visitors to the coast.
- g) Develop parking and traffic control plans to promote public access to the coast for those neighborhoods that are adversely impacted by spill over parking and traffic.
- h) Explore areas where park and ride facilities can be implemented at existing shopping center parking lots where the available parking is under utilized.
- i) Continue to implement the Downtown Master Parking Plan. Monitor the Plan on an annual basis, and update when necessary. Evaluate the impact of downtown parking on coastal access, public transit, and vehicle miles traveled. Updates to the Downtown Master Parking Plan shall be processed as an amendment to the City's Coastal Program and shall not become effective until certified by the California Coastal Commission.
- j) Continue to implement the City's Zoning Ordinance to the extent it is not inconsistent with the City's Local Coastal Program as it pertains to parking requirements.
- k) Promote public parking opportunities through the establishment of new or enlarged off-site parking facilities, creation of on-street public parking opportunities, shared parking, and

requiring that adequate on-site parking be provided in relation to any development.

- l) Enhance public transit to improve public access to the coast and to minimize energy consumption and vehicle miles traveled.

Direct Access

- m) Provide directional signage for cyclists, pedestrians and autos to guide beach bound traffic.
- n) Annually assess existing access points for maintenance needs. Repair/maintain as needed, or as prioritized per capital improvement program. Acquire new access points where feasible and appropriate through the development review process.
- o) Evaluations for new access points should focus on pedestrian safety.

Transit

- p) Coordinate with the Orange County Transportation Authority to develop a transportation center within the Coastal Zone, if feasible.

I-C 10

Infrastructure Improvements

- a) The City of Huntington Beach shall continue to incorporate and fund necessary public infrastructure and service improvements by the annual Capital Improvements Program (CIP) consistent with the requirements of the City's Local Coastal Program.
- b) Allow for the formation of benefit assessment districts and/or undertake municipal bonding programs for the maintenance and construction of water supply and distribution, sewage

collection and treatment, street and storm drain systems and facilities.

- c) Solicit funds for an improvement study, and the resulting design, construction, maintenance of the Coastal Zone's infrastructure system.
- d) Construct the Sunset Heights Reservoir, or acceptable alternative(s), in a timely manner to meet the needs of the approved development.
- e) Develop the Southeast Reservoir Complex to ensure proper water storage, and distribution balance and capacity in affected areas of the Coastal Zone.

I-C 11

Policy Coordination

- a) Incorporate the Beach Pier Plaza Master Plan, Trails Master Plan and other Coastal Zone related recreational master plan into the proposed, system wide Parks and Recreation Master Plan.
- b) Coordinate all guidelines and standards within the City of Huntington Beach Coastal Zone to conform to the objectives and criteria outlined in the policies of this element. Update and/or amend the following policies, guidelines, standards and specifications as necessary:
 - 1. Public Works Standard Plans/Specifications (for landscape and tree planting).
 - 2. Master Plan for landscaping of Arterial Street Medians.
 - 3. Arboricultural and landscape Standards/Specifications.
 - 4. Downtown Design Guidelines.

- 5. Downtown Specific Plan.

I-C 12

Interagency Coordination

- a) The City of Huntington Beach will continue to coordinate with the following agencies to ensure Coastal Element implementation and Coastal Resource preservation and enhancement:
 - 1. Surrounding jurisdictions, especially Seal Beach to the North and Newport Beach to the south, to ensure land use compatibility and proper interface of streets and traffic.
 - 2. California Coastal Commission.
 - 3. State of California for the operation and maintenance of state beaches and Pacific Coast Highway.
 - 4. Jurisdictions responsible for, or involved with the provision of services, infrastructure and/or utilities with the Coastal Zone.
 - 5. The County of Orange.
 - 6. The California State Lands Commission.
- b) Continue to work with adjacent cities to ensure that their traffic impacts do not adversely impact Huntington Beach.
- c) Coordinate with the Coast Guard and the local oil spill companies to ensure prompt and thorough clean up of oil spills.
- d) Coordinate with the State Department of Parks and Recreation to permit year round camping at the State beaches.

- e) Coordinate with the California Coastal Conservancy to review coastal resource issues in Huntington Beach and develop and implement cooperative preservation, development and/or enhancement measures.
- f) Consult with the California Department of Fish and Game and United States Fish and Wildlife Service on any project that could affect a species that is listed or in fact rare, threatened or endangered.
- g) Actively encourage and pursue the following:
 - 1. The inclusion of all identified wetlands into a "coastal wetland preserve."
 - 2. The linking of any upland development in the Bolsa Chica Local Coastal Plan area to the Bolsa Chica Wetland Restoration Plan.
 - 3. Restoration of the Bolsa Chica wetlands.
 - 4. Development of the proposed Harriet M. Wieder Regional Park.
- h) Coordinate with responsible local, County, State and Federal agencies to establish development compliance criteria, health hazard safeguards, and necessary on-site monitoring programs to assure mitigation of potential environmental impacts (such as approved access, dust, noise, visual).
- i) Coordinate with appropriate local, regional, state and federal agencies to ensure that greater than local concerns regarding water, sewer and drainage facilities within the Coastal Zone are addressed.
- j) Work with the County to facilitate high quality marine safety in Huntington Beach.
- k) The City will coordinate with the Orange County Coalition of Cities and support lobbying efforts opposing offshore oil drilling and the creation of protected habitat sanctuaries along the Orange County coastline.
- l) The City Fire Department will coordinate with the Community Services Department, the Emergency Operations Center (EOC) and appropriate State and Federal agencies in preparing and maintaining oil spill contingency plans.
- m) Continue to coordinate with Federal, State, County, and local safety agencies to facilitate a high level of cooperation in responding to emergencies such as oil spills, search and rescue or swiftwater response.
- n) Coordinate with the Orange County Sanitation District in identifying infrastructure requiring maintenance and/or replacement and schedule repairs.
- o) Coordinate with interested local, state and federal agencies, as well as, responsible property owners to ensure the remediation of the NESI (Ascon) site.

I-C 13

Annexation Feasibility

- a) Consider adopting a policy statement or resolution to guide decision making when evaluating annexation proposals in the Coastal Zone. The following issue areas should be addressed:
 - 1. Is the area to be annexed adjacent to existing corporate boundaries?

2. Does/will the area to be annexed contain land uses that are compatible with City land uses?
 3. Does/will the area to be annexed contain land uses that have the ability to provide economic benefit to the City?
 4. Would the area to be annexed place an undue or excessive burden on the City's or other service provider's ability to provide services?
 5. Would the area to be annexed place an undue burden on school and other public services?
- d) The following shall apply for proposed development along designated scenic highways, including Pacific Coast Highway within the Coastal Zone:
 1. Through the design review process, require view shed analysis evaluating the impacts on public views to the ocean.
 2. Require that open space easements be dedicated to the City, master homeowners association, or other responsible party as a condition of approval for all new projects proposed in "natural" open space areas.

I-C 14

Scenic Highways

- a) Continue to pursue the removal of billboards along Pacific Coast Highway as a condition of approval for new or re-development, and continue to remedy problems or hindrances that prohibit Pacific Coast Highway from qualifying as a State Scenic Highway.
- b) Create a Scenic Highway Plan consistent with the City's Local Coastal Program that includes newly designed highways and corridors; design standards and concepts for each of the designated scenic highways, including Pacific Coast Highway within the Coastal Zone.
- c) Landscape installation responsibilities should be coordinated among the City, Caltrans and other affected property owners for parkways, medians, and entry landscaping. These responsibilities, as well as, long-term maintenance shall be assigned within the Scenic Highway Plan.

- e) Utilize the City's Design Review Board to evaluate developments within scenic and landscape corridors. Proposed developments shall be analyzed by criteria established in the Scenic Highway Plan, as well as, other relevant City standards and guidelines to the extent that they are not inconsistent with the City's Local Coastal Program.

I-C 15

Beach Area Preservation and Enhancement

- a) Identify the beach areas that are not conducive to recreational development (those facilities permitted by the Open Space-Shoreline/OS-S land use designation listed in Table C-1 herein) and protect them.
- b) Permit recreational development only in those beach areas identified as being conducive to such development without risk of negatively impacting coastal resources.
- c) Annually report on the City's coastal conditions utilizing studies such as the Coast of California Storm and Tidal

Wave Study, coastal erosion and public safety hazards due to the natural removal of sand.

I-C 16

Marine Safety

- a) Marine Safety needs shall be seasonally reported every three years, identifying necessary changes in staffing and facilities to maintain public safety.
- b) Marine Safety Officers shall monitor, on a daily basis, through weather service information and department estimates, the beach's population, weather and surf conditions for the purpose of locating public lifeguard needs.
- c) Require competitive recruitment and intensive training in the latest life-saving techniques.
- d) Continue the exchange program with Australian and New Zealand lifesavers to help ensure the use of state-of-the-art rescue techniques and management procedures.
- e) Continue annual testing consisting of written and physical exams to re-qualify City lifeguards.
- f) Continue the existing Junior Lifeguard Program to educate youth about ocean hazards and instruct them in basic lifesaving techniques.

I-C 17

Funding

- a) Adequate development, maintenance, and operation funding shall be a prerequisite to developing additional public recreational facilities in the Coastal Zone.

- b) Solicit other corporate funding programs to fund and sponsor maintenance and other volunteer programs at recreational facilities.

- c) Actively pursue available local, state, federal or private funds for needed infrastructure improvement.

- d) Allow for the formation of benefit assessment districts and/or undertake municipal bonding programs for the supply and distribution, sewage collection and treatment, street and storm drain systems and facilities.

I-C 18

Public Facilities and Services Element

Implement the programs and policies contained in the Public Facilities and Services Element of the General Plan to the extent that these programs and policies are not inconsistent with the City's Local Coastal Program.

I-C 19

Historic and Cultural Resources Element

Implement the policies and programs of the Historic and Cultural Resources Element as applicable to the Coastal Zone Plan to the extent that these programs and policies are not inconsistent with the City's Local Coastal Program.

I-C 20

Environmental Hazards Element

Enforce and implement the policies and programs of the Environmental Hazards Element of the General Plan to the extent that these programs and policies are not inconsistent with the City's Local Coastal Program.

I-C 21

Growth Management Element

Implement the Growth Management Element to the extent that it is not inconsistent with the City's Local Coastal Program.

I-C 22

Special Studies/Plans/Programs

- a) ***Streetscape Improvement Plan*** Prepare a comprehensive streetscape improvement plan consistent with the City's Local Coastal Program for the Coastal Zone specifying all potential improvements projects within the public rights-of-way, including design concepts and design criteria for median and parkway landscape, bus stops, sidewalk elements including street furniture, and public signage, including gateway entry identification signage.
- b) ***Educational Facilities*** Consistent with the City's Local Coastal Program establish interpretive, historical and environmental education facilities, as well as, programs utilizing various natural and/or cultural (e.g., wetland areas or culturally significant sites) resources found in the Coastal Zone.
- c) ***Marine Safety Services Assessment*** Conduct a study to review the adequacy of all beach lifeguard and rescue services. Develop programs to remedy any deficiencies determined to exist in personnel training and equipment.
- d) ***Recreational Circulation Study*** Conduct a City-wide recreational circulation study and incorporate into the Parks and Recreation Master Plan. This would combine the aims of the State Trails Plan, the County Trails and Bikeway Plan, the Local Coastal Program (Coastal Access), and the

Circulation Element of the General Plan into a unified and coordinated trails plan for Huntington Beach. Issues such as implementation strategy, funding and the establishment of design criteria and maintenance responsibilities consistent with the City's Local Coastal Program should be included in the plan.

- e) ***Coastal Amenities Study and CIP*** Consistent with the City's Local Coastal Program implement a park and recreational facilities renovation study to determine each site's maintenance and renovation needs, including Federal and State laws such as American's with Disabilities Act accessibility standards. Develop a prioritization and phasing program, and establish a capital improvements program.
- f) ***Urban Design Improvement Plan***
 - 1. The City shall prepare a master list of public urban design improvements, such list to be revised and extended as projects are completed or new projects are conceived.
 - 2. In coordination the preparation of the City budget, the City shall each year prepare a Five Year Plan for Urban Design Improvements that prioritizes the projects on the master list, and shall budget for those projects accordingly. The Five Year Plan shall be updated each year to reflect changes in the priorities for implementation.
- g) ***Comprehensive Signage and Graphics Program*** Prepare a comprehensive Citywide program consistent with the City's Local Coastal Program for the design and installation of signage and graphics that identifies standards for high quality and character for all public

graphics (including identification and directional signage) and that integrates standards for private signs.

- h) **Utility Undergrounding** Continue to expand the electrical transmission line undergrounding program.
- i) **Historic Site Survey** Perform a Coastal Zone wide survey that updates the list of structures or sites identified as having historical or archeological significance.
- j) **Year Round Camping at City Beach** Study the feasibility of permitting year round camping at the City Beach.
- k) **Infrastructure Improvement Programs** Develop and implement the following, as funding permits consistent with the requirements of the City's Local Coastal Program:
 - 1. A "maintenance" program for necessary water reservoir repairs. The maintenance program shall discuss prioritization, funding, responsible departments and scheduling.
 - 2. A program for water, wastewater and storm drain and pipeline repairs, upsizing and replacements including provisions for automatic leak detection and clean-up, and the installation of structural and non-structural best management practices to minimize the introduction of pollutants into coastal waters.
 - 3. Continue to expand the following programs:
 - Public education promoting water conservation.

- Water use audits for all City owned buildings.
- The Green Acres and other reclaimed water programs.

- l) **Utility Master Plans** Collect and maintain data on the location, capacity, levels of utilization and conditions of the following utilities in the Coastal Zone; develop and implement appropriate master plans and/or capital improvement programs consistent with the City's Local Coastal Program. Review the master plans and improvement programs every five years to ensure viability:
 - 1. Wastewater collection and treatment facilities.
 - 2. Water supply, transmission, distribution, storage, and treatment facilities.
 - 3. Storm drain and flood control facilities.
 - 4. Wireless telecommunication facilities.
- m) **Document Public Access in Huntington Harbour** Assemble and make available to the public the documentation necessary to identify the public rights-of-way within Huntington Harbour including applicable deed restrictions for private property. Public accessways shall be kept open for public access and impediments to public access shall be removed. Assemble a list of locations suitable for both lateral and vertical public access. This list shall prioritize the access opportunities and shall also identify if the acquisition will be through a fee purchase or through an open space easement.

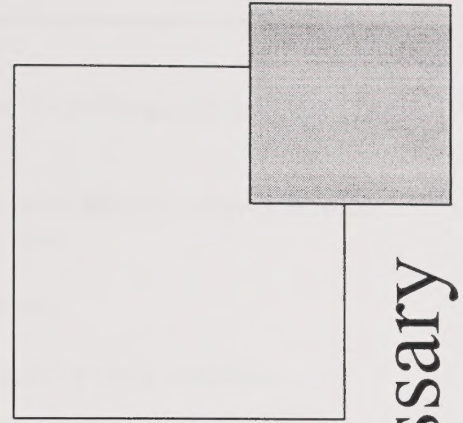
- n) ***Desalinization Feasibility Studies***
Coordinate with interested agencies to study desalinization as an alternative source of potable water.
- o) ***Energy Agency Catalogue*** Prepare and maintain an up to date catalogue identifying the outside agencies with control or influence over energy issues. Include in the catalogue a definition of the agency's role, authority and responsibilities, as well as a contact person or office.
- p) ***Oil Facility Catalogue*** Prepare and maintain an up to date catalogue and map of oil well and ancillary facility locations in the City. Include active, inactive and abandoned sites
- q) ***Oil Spill Contingency Plans*** Maintain an up to date catalogue of oil spill contingency plans for all active oil facilities on land and off of the City's shoreline. Annually review these plans for conformance to the City's Local Coastal Program and to ensure adequacy and proper inter-agency coordination in the event of an oil spill.

No.	Name	ADMINISTRATION										School Districts	County of Orange	Other	General Funds	Assessment Districts	Development Fees	Redevelopment Tax Increment Revenue	Grants	Other Approved Fees	State Funds	Federal Funds		
		Planning Department	Community Services Department	Economic Development Department	Fire Department	Library Services Department	Police Department	Public Works Department	Planning Commission	City Council	CITY OF HUNTINGTON BEACH													
																								CITY OF HUNTINGTON BEACH
PROGRAM		RESPONSIBLE AGENCY										FUNDING SOURCE										SCHEDULE		
IC-22a	Streetscape Implementation Plan	●												●				●					24 mo	
b	Educational Facilities	●							●	●				●				●					Ongoing	
c	Marine Safety Services Assessment		●											●				●		●			24 mo	
d	Recreational Circulation Study	●						●						●				●		●			24-30 mo	
e	Coastal Amenities Study & CIP	●	●					●						●				●		●	●		24 mo	
f	Urban Design Improvaement Plan Program	●												●				●					24 mo	
g	Comprehensive Signage & Graphics Prog.	●												●				●		●			24-30 mo	
h	Utility Undergrounding	●						●								●		●		●			Ongoing	
i	Historic Site Survey	●												●				●					24 mo	
j	Year Round Camping at City Beach		●											●						●			18 mo	
k	Infrastructure Improvement Programs	●	●					●						●	●	●	●	●	●	●	●	●	24 mo	
l	Utility Master Plans	●	●					●						●									1-5 yrs	
m	Public Access in Huntington Harbor	●	●											●				●					12 mo	
n	Desalinization Feasibility Study	●						●						●				●					Ongoing	
o	Energy Agency Catalogue	●			●			●						●									12 mo	
p	Oil Facility Catalogue				●									●										
q	Oil spill contingency Plans				●									●										

COASTAL IMPLEMENTATION MATRIX (page 2 of 2)

CITY OF HUNTINGTON BEACH COASTAL ELEMENT

MATRIX C



Glossary

GENERAL PLAN HUNTINGTON BEACH

GLOSSARY

ACCESS	Permission, liberty or ability to enter, approach or make use of a place or facility.
AERATION	Process in which air is circulated through water to increase the amount of dissolved oxygen.
AMENITIES	Attractive or desirable features.
ANCILLARY	Supplementary, adding or making more complete.
AQUACULTURE	The cultivation of aquatic plant and animal species.
AQUATIC ECOSYSTEM	An area where organisms grow or live in the water and interact with each other.
BAFFLE	A plate, wall, screen or other device, which can be installed in a storm drain to catch floating debris.
BARRIER WELLS PROJECT	The injection and extraction of water through wells to control sea water intrusion.
BERTH	To anchor or tie up boats.
BIOLOGICAL QUALITY	The ability of an area to support living organisms.
BOARDWALK	A wooden walkway on raised pilings.
BLUFF EDGE	The upper termination of a bluff, cliff, or seacliff. When the top edge of the bluff is rounded away from the face of the bluff as a result of erosional processes related to the presence of the steep bluff face, the edge shall be defined as the point nearest the bluff beyond which the downward gradient of the land surface increases more or less continuously until it reaches the general gradient in the bluff. In the case where there is a step like feature at the top of the bluff face, the landward edge of the topmost riser shall be taken to the bluff edge.
BUFFER	Open space that horizontally separates and protects environmentally sensitive habitat areas from development areas. Buffer areas should be contiguous with the sensitive habitat but are not in themselves a part of the environmentally sensitive habitat area to be protected. A typical buffer standard width is 100 feet, but this width may vary depending on the species and habitat to be protected. Buffers may contain limited trail usage and other non-substantial structures such as interpretive signage that serve to reduce the impact of human activities on wildlife. Public trails should not be constructed where construction could

	have significant adverse affects on the environment or where public access could have significant adverse impacts on habitat.
BULK	Spatial dimension, height and width.
BULKHEAD	A retaining wall along a waterfront; a wall or embankment for holding back earth to crate water channels.
CALIFORNIA COASTAL ACT	State law (California Public Resources Code, Division 20) enacted by the legislature in 1976 establishing policies for coastal protection and development to be implemented through cooperative action by state and local governments.
CALIFORNIA COASTAL COMMISSION	A 16 member statewide regulatory body with primary responsibility for implementing the provisions of the California Coastal Act. The Commission will remain in existence after the certification of local plans to hear appeals from permit decisions and to perform other administrative functions. All local coastal programs must be approved and certified by the Commission prior to implementation.
CALIFORNIA LEAST TERN	An endangered bird species (<i>Sterna antillarum browni</i>) that is native to the coast of southern California. Inhabits sandy beaches with bare or sparsely vegetated flat substrates. Usually associated with river mouths or estuaries.
CLUSTER	Groupings of buildings to maximize open space and preserve views.
COASTAL DEPENDENT	Any development or use which requires a site on, or adjacent to, the sea to be able to function at all.
COASTAL ELEMENT	That portion of the general plan applicable to the coastal zone prepared by the local government according to the provisions of the Coastal Act.
COASTAL LAND USE PLAN	The relevant portions of the Coastal Element which are sufficiently detailed to indicate the kinds, location and intensity of land uses and the applicable resource protection and development policies.
COASTAL WATERS	Includes waters of the Pacific Ocean, streams, wetlands, estuaries, lakes, and other areas subject to tidal action through any connection with the Pacific Ocean.
COASTAL ZONE	Land and water area along the coast of California that is subject to the provisions of the Coastal Act. The Coastal Zone extends inland generally 1,000 yards from the mean high tide line of the sea. In significant coastal resource areas, it extends inland to the first major ridgeline paralleling

	the sea or five miles from the mean high tide line, whichever is less. In developed urban areas, the zone generally extends inland less than 1,000 yards. In this element the term “Coastal Zone” refers only to that portion of the State’s Coastal Zone which lies within the City of Huntington Beach.
COMMUNITY FACILITIES	Structures or systems that are built, installed or established to serve the community.
CONCESSION	The lease of a portion or premise for a particular purpose such as the operation of a refreshment stand on a public beach.
CONCESSION STAND	A small-scale, one story structure used for sales of refreshments and beach-related sundries.
CONSERVATION	Planned management of a natural resource to prevent exploitation, destruction or neglect.
CONSOLIDATE	To join together into one common whole: e.g., parcels of land under one ownership.
CONTINGENCY PLANNING	Planning for events that are of possible but uncertain occurrence.
CULVERT	A drain or pipe to carry water under a road or embankment.
DEGRADED	Visually unattractive, often due to the presence of incompatible features (i.e., oil wells, litter, billboards, etc.) Also pertains to environmentally sensitive habitat that has been subjected to developmental impacts that have reduced its habitat value and/or ecological function.
DEVELOPMENT	Pursuant to Section 30106 of the Coastal Act, “development” means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste, grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access, thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp

	harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).
	As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.
DIKE	An embankment or low dividing wall of earth or stone used to control and confine water.
DISPERSED OWNERSHIP	Term used to describe an area in which individual lots are owned by different people.
DREDGE	To dig or deepen a waterway.
DRY STORAGE	Storage of boats on land either at place of residence or in specially designated areas.
DWELLING, ACCESSORY UNIT	A fully equipped dwelling unit which is ancillary and subordinate to a principal dwelling unit located on the same lot.
EASEMENT	Right created by an express or implied agreement to make lawful and beneficial use of the land, water or air space of another owner.
ECOLOGICAL RESERVE	Officially determined area being preserved for its environmental value.
ECOSYSTEM	A co-evolved community of interdependent plants and animals specific to a particular physical environment. The complex of a community and its environment functioning as a unit in nature.
EFFLUENT	Waste material such as smoke, liquid industrial refuse, or sewage discharged into the environment.
ENHANCE	To increase in value and attractiveness.
ENTRAIN	To draw in and transport through the flow of a fluid.
ENVIRONMENTALLY SENSITIVE HABITAT	Any area in which plant or animal life or their habitats are rare or especially valuable and which could be easily disturbed or degraded by human activities and developments.
FEASIBLE	Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

FILL	Any earth or any other substance or material placed in a submerged area.
FLOOD FREQUENCY	The expected time interval expected between floods of a certain magnitude.
GRANNY UNIT	See Dwelling, Accessory Unit.
GRANTSPERSON	Person employed to seek out sources of state and federal funding for local projects.
GREENBELT	Area designated for open space or parks, where urban development is prohibited.
GROUNDWATER	Fresh water within the earth that supplies wells and springs.
HAZARDS	Change events in nature that can pose a danger to life and property, such as earthquakes, floods and fires.
HISTORIC DISTRICT	A geographic area which contains a concentration of historic buildings, structures, or sites united historically, culturally, or architecturally. "Historic Districts" are defined by precise geographic boundaries.
HISTORIC RESOURCE	Any object, building, structure, site, area, place, record, or manuscript which is historically or archeologically significant, or which is significant in the architectural, engineering, scientific, economic, agriculture, educational, social, political, military, or cultural history of the City of Huntington Beach and/or California.
HISTORIC STRUCTURE (BUILDING)	See Historic Resource
IMPEDE	Obstruct or block by obstacles.
IMPLEMENTATION	Those actions necessary to fulfill the goals, objectives and policies of a plan.
IMPLEMENTATION MEASURE	A plan, program or action intended to fulfill the directive of a stated policy.
INDICATOR SPECIES	A species whose dynamics and well being are indicative of the ecological health of the community in which it lives. Species which are representative of a specific area or habitat.
INFILTRATION	Downward movement of water into soil or other porous material.
INVENTORY	An itemized list of current assets: e.g., a catalogue of all commercial establishments within the City's Coastal Zone.

LAND USE CATEGORY	A division within the system of land use classification used in the City's general plan.
LAND USE PLAN	As defined in Coastal Act §30108.5: the portion of the City's general plan applicable to the coastal zone.
LEVEE	An embankment built alongside a river to prevent high water from flooding adjacent land.
LINEAR PARK	A long, narrow park which often follows a natural land form, such as a stream or a bluff line, and which may also connect other recreational and scenic areas.
LOCAL COASTAL PROGRAM	As defined in Coastal Act §30108.6: a local government's land use plans, zoning ordinances, zoning district maps, and other implementing actions, which taken together, meet the requirements of, and implement the provisions and policies of the Coastal Act at the local level.
MARINA	A dock or basin providing secure moorings for motorboats and yachts and other offering supply, repair and other facilities.
MARKET VALUE	For purposes of determining "substantial improvement," the replacement cost as determined by its replacement value according to the valuation figures used by the Director. Alternatively a property owner may submit a report by a qualified real estate appraiser which indicates the "replacement cost" of the structure.
MARSHLAND	See Wetland.
MEDIAN	A strip of land between opposing lanes of a highway.
MITIGATION	As defined in §15370 of the State Guidelines for Implementation of the California Environmental Quality Act, mitigation includes: a) Avoiding the impact altogether by not taking a certain action or parts of an action. b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation. c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment. d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action. e) Compensating for the impact by replacing or providing substitute resources or environments.

MITIGATION MEASURE	Measures imposed on a project consistent with §15370 of the State Guidelines for Implementation of the California Environmental Quality Act to avoid, minimize, eliminate, or compensate for adverse impacts to the environment.
NODE	A significant focal point in an urban environment, such as a public square or street intersection, that is a center or junction of movement and activity.
OFFSHORE PLATFORMS	Platforms where oil is extracted from strata beneath the ocean floor.
OVERLAY	A supplemental map presenting additional information.
PATHOGENIC	Causing or capable of causing disease.
PEAK LOAD	The maximum demand placed on the operating resources of a community facility.
PERIMETER	A line or strip bounding an area.
PERIPHERAL	Located away from the central portion of an area.
PERMANENT WETLAND	Areas that are permanently wet or covered by shallow water, such as saltwater and freshwater marshes, open or closed brackish marshes, mud flats and fens.
POLICY	A statement or directive for private and/or governmental action to achieve adopted goals and objectives.
POLLUTANT	Anything that contaminates a medium (air, water or soil) with some form of undesirable matter or energy.
PREEMPT	To take jurisdiction away from an existing agency or entity.
PRESERVE	To keep from harm, protect or save.
RIPARIAN HABITAT	The land and plants bordering a watercourse or lake.
RUDERAL	A disturbed area dominated by seedy, typically annual, non-native plant species.
RUNOFF	Water from rain that flows over the surface of the land and ultimately reaches flood control channels or the ocean.
SALTWATER INTRUSION	Situation in which ocean water comes in contact with and contaminates fresh water both above and below ground.
SCENIC	Visually appealing and attractive landscape. Affording picturesque views.

SEA	Consistent with Section 30115 of the Coastal Act, "Sea" means the Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and any other areas subject to tidal action through any connection with the Pacific Ocean, excluding non-estuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.
SEISMIC-SAFETY ORDINANCE	Ordinance passed by the Huntington Beach City Council in July, 1979, as amended, requiring that existing buildings which cannot sufficiently withstand earthquake action be corrected to eliminate hazards.
SETBACK	Placement of buildings a distance back from a road or other boundary to allow for open space, views, and mitigation of adverse impacts on adjacent areas. (Also see buffer)
SIGNING	The construction and utilization of signs to locate various points of interest.
SILT	Loose, sedimentary material, dirt or soil in which most of the particles are extremely small (1/20 millimeter or less).
SITE PLAN REVIEW	Process by which proposed new development projects are reviewed by city staff for conformance with city ordinances and codes.
SPECIFIC PLAN	A document that contains all detailed regulations, conditions, programs and proposed legislation necessary to implement general plan policies in a distinct geographical area. Specific plans may supplement or supersede zoning. Amendments to Specific Plans in the coastal zone will be submitted to the California Coastal Commission as an amendment to the City's certified local coastal program and will not become effective until certified by the Coastal Commission.
STATE SCENIC HIGHWAY	A segment of a state highway identified in the "Master Plan of State Highway Eligible for Official Scenic Highway Designation." The segment must also be designated as such by the Director of the State Department of Transportation.
STRUCTURAL SURVEY	An investigation by a qualified engineer of a structure's ability to withstand certain physical factors such as an earthquake.
SUBSTANTIAL DAMAGE	Damage of any origin sustained by a structure whereby the cost of restoring the structure to the condition existing before damage would equal or exceed fifty (50%) percent of the market value before the damage occurred.

SUBSTANTIAL IMPROVEMENT	Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure before such repair, reconstruction, or improvement. This term includes structures that have incurred “substantial damage” regardless of the actual repair work performed.
SUMMER SEASON	Begins the day before the Memorial Day weekend and ends the day after the Labor Day weekend.
SURFACE WATER	See Coastal Waters.
TERMINUS	Either end of a transportation line or travel route.
TERRESTRIAL	Having to do with the land or earth, as opposed to air or water.
THERMAL DISCHARGE	The release of hot water from industrial cooling or processing operations or from electrical power production.
TIDAL FLUSHING	A process in which normal tidal action results in continual exchange of ocean water within a wetland.
TOPOGRAPHY	The natural surface features of an area, such as hills, valleys and rivers.
TRANSPORTATION CENTER	A passenger and community oriented facility strategically located where transit services converge.
TURBIDITY	A state of reduced clarity in a fluid caused by the presence of suspended matter.
UNDERGROUNDING	Relocation of utility wires from above ground to beneath the surface of the earth to enhance scenic quality.
VISITOR SERVING FACILITIES	Public and private developments that provide accommodations, food and services, including hotels, motels, timeshares, campgrounds, restaurants, shops and amusement areas for tourists.
VISTA	A view or outlook.
VISUAL ACCESS	An unobstructed view.
WASTEWATER RECLAMATION	A process of purifying and recycling domestic and industrial wastewater.
WETLAND	Land which may be covered periodically or permanently with shallow water and includes saltwater marshes, freshwater marshes, open or closed brackish water marshes,

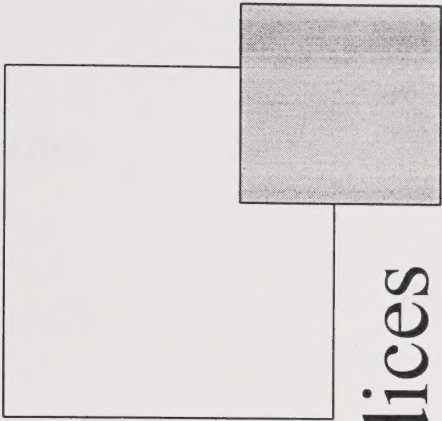
mudflats, and fens. Wetlands are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification², wetlands must have one or more of the following attributes:

1. At least periodically, the land supports predominantly hydrophytes; or
2. The substrate is predominantly undrained hydric soil; or
3. The substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year.

WET STORAGE

Storage of boats in the water, usually in a boat slip at a marina.

²“Classification of Wetlands and Deep-Water habitats of the United States” by Lewis M. Cowardin, et al, United States Department of the Interior, Fish and Wildlife Service, December 1979



Appendices

GENERAL PLAN

HUNTINGTON BEACH

PUBLIC RESOURCES CODE

DIVISION 20

CALIFORNIA COASTAL ACT

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JANUARY 2001



CHAPTER I

FINDINGS AND DECLARATIONS AND GENERAL PROVISIONS

Section

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30001	Legislative findings and declarations; ecological balance
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30007.5	Legislative findings and declarations; resolution of policy conflicts
30008	Division as coastal zone management program
30009	Construction
30010	Compensation for taking of private property; legislative declaration
30011	Application of Government Code Section 65590 to development under this division
30012	Public Education Program

Section 30000

This division shall be known and may be cited as the California Coastal Act of 1976.

Section 30001

The Legislature hereby finds and declares:

(a) That the California coastal zone is a distinct and valuable natural resource of vital and enduring interest to all the people and exists as a delicately balanced ecosystem.

(b) That the permanent protection of the state's natural and scenic resources is a paramount concern to present and future residents of the state and nation.

(c) That to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the natural environment, it is necessary to protect the ecological balance of the coastal zone and prevent its deterioration and destruction.

(d) That existing developed uses, and future developments that are carefully planned and developed consistent with the policies of this division, are essential to the economic and social well-being of the people of this state and especially to working persons employed within the coastal zone.

(Amended by Ch. 1090, Stats. 1979.)

Section 30001.2

The Legislature further finds and declares that, notwithstanding the fact electrical generating facilities, refineries, and coastal-dependent developments, including ports and commercial fishing facilities, offshore petroleum and gas development, and liquefied natural gas facilities, may have significant adverse effects on coastal resources or coastal access, it may be necessary to locate such developments in the coastal zone in order to ensure that inland as well as coastal resources are preserved and that orderly economic development proceeds within the state.

Section 30001.5

The Legislature further finds and declares that the basic goals of the state for the coastal zone are to:

(a) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.

(b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.

(c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.

(d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.

(e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

(Amended by Ch. 1090, Stats. 1979.)

(Amended by Ch. 1617, Stats. 1982.)

Section 30002

The Legislature further finds and declares that:

(a) The California Coastal Zone Conservation Commission, pursuant to the California Coastal Zone Conservation Act of 1972 (commencing with Section 27000), has made a detailed study of the coastal zone; that there has been extensive participation by other governmental agencies, private interests, and the general public in the study; and that, based on the study, the commission has prepared a plan for the orderly, long-range conservation, use, and management of the natural, scenic, cultural, recreational, and manmade resources of the coastal zone.

(b) Such plan contains a series of recommendations which require implementation by the Legislature and that some of those recommendations are appropriate for immediate implementation as provided for in this division while others require additional review.

Section 30003

All public agencies and all federal agencies, to the extent possible under federal law or regulations or the United States Constitution, shall comply with the provisions of this division.

Section 30004

The Legislature further finds and declares that:

(a) To achieve maximum responsiveness to local conditions, accountability, and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement.

(b) To ensure conformity with the provisions of this division, and to provide maximum state involvement in federal activities allowable under federal law or regulations or the United States Constitution which affect California's coastal resources, to protect regional, state, and national interests in assuring the maintenance of the long-term productivity and economic vitality of coastal resources necessary for the well-being of the people of the state, and to avoid long-term costs to the public and a diminished quality of life resulting from the misuse of coastal resources, to coordinate and integrate the activities of the many agencies whose activities impact the coastal zone, and to supplement their activities in matters not properly within the jurisdiction of any existing agency, it is necessary to provide for continued state coastal planning and management through a state coastal commission.

Section 30005

No provision of this division is a limitation on any of the following:

(a) Except as otherwise limited by state law, on the power of a city or county or city and county to adopt and enforce additional regulations, not in conflict with this act, imposing further conditions, restrictions, or limitations with respect to any land or water use or other activity which might adversely affect the resources of the coastal zone.

(b) On the power of any city or county or city and county to declare, prohibit, and abate nuisances.

(c) On the power of the Attorney General to bring an action in the name of the people of the state to enjoin any waste or pollution of the resources of the coastal zone or any nuisance.

(d) On the right of any person to maintain an appropriate action for relief against a private nuisance or for any other private relief.

Section 30005.5

Nothing in this division shall be construed to authorize any local government, or to authorize the commission to require any local government, to exercise any power it does not already have under the Constitution and laws of this state or that is not specifically delegated pursuant to Section 30519.

(Added by Ch. 744, Stats. 1979.)

Section 30006

The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation.

Section 30006.5

The Legislature further finds and declares that sound and timely scientific recommendations are necessary for many coastal planning, conservation, and development decisions and that the commission should, in addition to developing its own expertise in significant applicable fields of science, interact with members of the scientific and academic communities in the social, physical, and natural sciences so that the commission may receive technical advice and recommendations with regard to its decision making, especially with regard to issues such as coastal erosion and geology, marine biodiversity, wetland restoration, the question of sea level rise, desalination plants, and the cumulative impact of coastal zone developments.

(Added by Ch. 965, Stats. 1992.)

Section 30007

Nothing in this division shall exempt local governments from meeting the requirements of state and federal law with respect to providing low-and moderate-income housing, replacement housing, relocation benefits, or any other obligation related to housing imposed by existing law or any law hereafter enacted.

Section 30007.5

The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies.

Section 30008

This division shall constitute California's coastal zone management program within the coastal zone for purposes of the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451, et seq.) and any other federal act heretofore or hereafter enacted or amended that relates to the planning or management of coastal zone resources; provided, however, that within federal lands excluded from the coastal zone pursuant to the Federal Coastal Zone Management Act of 1972, the State of California shall, consistent with applicable federal and state laws, continue to exercise the full range of powers, rights, and privileges it now possesses or which may be granted.

(Amended by Ch. 1075, Stats. 1978.)

Section 30009

This division shall be liberally construed to accomplish its purposes and objectives.

Section 30010

The Legislature hereby finds and declares that this division is not intended, and shall not be construed as authorizing the commission, port governing body, or local government acting pursuant to this division to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefor. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.

(Amended by Ch. 285, Stats. 1991.)

Section 30011

Nothing in this division shall authorize the commission to review a local government's application of the requirements of Section 65590 of the Government Code to any development. In addition, the commission shall not require any applicant for a coastal development permit or any local government to provide certification or other evidence of compliance with the requirements of Section 65590 of the Government Code. The commission may, however, solely in connection with coastal development permit applications described in subdivision (c) of Section 30600.1, require information about the status of a local government's action to apply the requirements of Section 65590 of the Government Code. This information shall be used for the purpose determining time limits for commission action on these applications as provided in that subdivision (c).

(Added by Ch. 43, Stats. 1982.)

Section 30012

(a) The Legislature finds that an educated and informed citizenry is essential to the well-being of a participatory democracy and is necessary to protect California's finite natural resources, including the quality of its environment. The Legislature further finds that through education, individuals can be made aware of and encouraged to accept their share of the responsibility for protecting and improving the natural environment.

(b) (1) The commission shall, to the extent that its resources permit, carry out a public education program that includes outreach efforts to schools, youth organizations, and the general public for the purpose of promoting understanding of, fostering a sense of individual responsibility for, and encouraging public initiatives and participation in programs for, the conservation and wise use of coastal and ocean resources. Emphasis shall be given to volunteer efforts such as the Adopt-A-Beach program.

(2) In carrying out this program, the commission shall coordinate with other agencies to avoid duplication and to maximize information sharing.

(c) The commission is encouraged to seek funding from any appropriate public or private source and may apply for and expend any grant or endowment funds for the purposes of this section without the need to specifically include funds in its budget. Any funding made available to the commission for these purposes shall be reported to the fiscal committee of each house of the Legislature at the time its budget is being formally reviewed.

(d) The commission is encouraged to seek and utilize interns for the purpose of assisting its regular staff in carrying out the purposes of this section and this division and, notwithstanding any other provision of law, may participate in any internship program the executive director determines to be appropriate. With respect to any internship program the commission uses, it shall make the best efforts to ensure that the participants in the program reflect the ethnic diversity of the state and are provided an educational and meaningful experience.

(e) The commission shall submit to each house of the Legislature an annual report describing the progress it is making in carrying out this section.

(Added by Ch. 802, Stats. 1991.)

CHAPTER 2

DEFINITIONS

Section

30100	Interpretation governed by definitions
30100.2	Aquaculture
30100.5	Coastal county
30101	Coastal-dependent development or use
30101.3	Coastal-related development
30101.5	Coastal development permit
30102	Coastal plan
30103	Coastal zone; map; purpose
30103.5	Coastal zone map boundary adjustment: Los Angeles International Airport; City of San Juan Capistrano
30104	Blank
30105	Commission; regional commission
30105.5	Cumulatively; cumulative effect
30106	Development
30107	Energy facility
3017.5	Environmentally sensitive area
30108	Feasible
30108.1	Federal Coastal Act
30108.2	Fill
30108.4	Implementing actions
30108.5	Land use plan
30108.55	Local coastal element
30108.6	Local coastal program
30109	Local government
30109.5	Repealed
30110	Permit
30111	Person
30112	Port government body
30113	Prime agricultural land
30114	Public works
30115	Sea
30116	Sensitive coastal resource areas
30117	Blank
30118	Special district
30118.5	Special treatment area
30119	State treatment area
30120	Treatment works
30121	Wetland
30122	Zoning ordinance

Section 30100

Unless the context otherwise requires, the definitions in this chapter govern the interpretation of this division.

Section 30100.2

"Aquaculture" means a form of agriculture as defined in Section 17 of the Fish and Game Code. Aquaculture products are agricultural products, and aquaculture facilities and land uses shall be treated as agricultural facilities and land uses in all planning and permit-issuing decisions governed by this division.

(Added by Ch. 1486, Stats. 1982.)

(Amended by Ch. 131, Stats. 1983.)

Section 30100.5

"Coastal County" means a county or city and county which lies, in whole or in part, within the coastal zone.

Section 30101

"Coastal-dependent development or use" means any development or use which requires a site on, or adjacent to, the sea to be able to function at all.

Section 30101.3

"Coastal-related development" means any use that is dependent on a coastal-dependent development or use.

(Added by Ch. 1090, Stats. 1979.)

Section 30101.5

"Coastal development permit" means a permit for any development within the coastal zone that is required pursuant to subdivision (a) of Section 30600.

Section 30102

"Coastal plan" means the California Coastal Zone Conservation Plan prepared and adopted by the California Coastal Zone Conservation Commission and submitted to the Governor and the Legislature on December 1, 1975, pursuant to the California Coastal Zone Conservation Act of 1972 (commencing with Section 27000).

Section 30103

(a) "Coastal zone" means that land and water area of the State of California from the Oregon border to the border of the Republic of Mexico, specified on the maps identified and set forth in Section 17 of that chapter of the Statutes of the 1975-76 Regular Session enacting this division, extending seaward to the state's outer limit of jurisdiction, including all offshore islands, and extending inland generally 1,000 yards from the mean high tide line of the sea. In significant coastal estuarine, habitat, and recreational areas it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less, and in developed urban areas the zone generally extends inland less than 1,000 yards. The coastal zone does not include the area of jurisdiction of the San Francisco Bay Conservation

and Development Commission, established pursuant to Title 7.2 (commencing with Section 66600) of the Government Code, nor any area contiguous thereto, including any river, stream, tributary, creek, or flood control or drainage channel flowing into such area.

(b) The commission shall, within 60 days after its first meeting, prepare and adopt a detailed map, on a scale of one inch equals 24,000 inches for the coastal zone and shall file a copy of such map with the county clerk of each coastal county. The purpose of this provision is to provide greater detail than is provided by the maps identified in Section 17 of that chapter of the Statutes of the 1975-76 Regular Session enacting this division. The commission may adjust the inland boundary of the coastal zone the minimum landward distance necessary up to a maximum of 100 yards except as otherwise provided in this subdivision, or the minimum distance seaward necessary up to a maximum of 200 yards, to avoid bisecting any single lot or parcel or to conform it to readily identifiable natural or manmade features. Where a landward adjustment is requested by the local government and agreed to by the property owner, the maximum distance shall be 200 yards.

(Amended by Ch. 213, Stats. 1978.)

(Amended by Ch. 670, Stats. 1991.)

Section 30103.5

(a) Notwithstanding map number 138 adopted pursuant to Section 17 of Chapter 1330 of the Statutes of 1976, as amended by Section 29 of Chapter 1331 of the Statutes of 1976, the inland boundary of the coastal zone in Los Angeles County in the vicinity of Los Angeles International Airport shall be the Pershing Drive built after January 1, 1970, rather than the Pershing Drive built prior to that date.

(b) Notwithstanding map number 149 adopted pursuant to Section 17 of Chapter 1330 of the Statutes of 1976, as amended by Section 29 of Chapter 1331 of the Statutes of 1976, the inland boundary of the coastal zone in the area of the City of San Juan Capistrano in Orange County shall exclude all portions of the City of San Juan Capistrano and shall follow Camino Capistrano and Via Serra and generally an extension of Via Serra to the point where it joins the existing coastal zone boundary.

(Added by Ch. 213, Stats. 1978.)

Section 30104

Blank.

Section 30105

(a) "Commission" means the California Coastal Commission. Whenever the term California Coastal Zone Conservation Commission appears in any law, it means the California Coastal Commission.

(b) "Regional commission" means any regional coastal commission. Whenever the term regional coastal zone conservation commission appears in any law, it means the regional coastal commission.

Section 30105.5

"Cumulatively" or "cumulative effect" means the incremental effects of an individual project shall be reviewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

(Added by Ch. 1087, Stats. 1980.)

Section 30106

"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Section 30107

"Energy facility" means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.

Section 30107.5

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Section 30108

"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Section 30108.1

"Federal coastal act" means the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451, et seq.), as amended.

(Added by Ch. 1173, Stats. 1981.)

Section 30108.2

"Fill" means earth or any other substance or material, including pilings placed for the purposes of erecting structures thereon, placed in a submerged area.

Section 30108.4

"Implementing actions" means the ordinances, regulations, or programs which implement either the provisions of the certified local coastal program or the policies of this division and which are submitted pursuant to Section 30502.

Section 30108.5

"Land use plan" means the relevant portion of a local government's general plan, or local coastal element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions.

Section 30108.55

"Local coastal element" is that portion of a general plan applicable to the coastal zone which may be prepared by local government pursuant to this division, or any additional elements of the local government's general plan prepared pursuant to Section 65303 of the Government Code, as the local government deems appropriate.

(Amended by Ch. 1009, Stats. 1984.)

Section 30108.6

"Local coastal program" means a local government's (a) land use plans, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coastal resources areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of, this division at the local level.

(Amended by Ch. 919, Stats. 1979.)

Section 30109

"Local government" means any chartered or general law city, chartered or general law county, or any city and county.

Section 30109.5

Repealed by Ch. 1331, Stats. 1976.

Section 30110

"Permit" means any license, certificate, approval, or other entitlement for use granted or denied by any public agency which is subject to the provisions of this division.

Section 30111

"Person" means any individual, organization, partnership, limited liability company, or other business association or corporation, including any utility, and any federal, state, local government, or special district or an agency thereof.

(Amended by Ch. 1010, Stats. 1994.)

Section 30112

"Port governing body" means the Board of Harbor Commissioners or Board of Port Commissioners which has authority over the Ports of Hueneme, Long Beach, Los Angeles, and San Diego Unified Port District.

Section 30113

"Prime agricultural land" means those lands defined in paragraph (1), (2), (3), or (4) of subdivision (c) of Section 51201 of the Government Code.

(Amended by Ch. 43, Stats. 1982.)

Section 30114

"Public works" means the following:

(a) All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.

(b) All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities. For purposes of this division, neither the Ports of Hueneme, Long Beach, Los Angeles, nor San Diego Unified Port District nor any of the developments within these ports shall be considered public works.

(c) All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.

(d) All community college facilities.

(Amended by Ch. 1075, Stats. 1978.)

(Amended by Ch. 1553, Stats. 1982.)

(Amended by Ch. 392, Stats. 1985.)

Section 30115

"Sea" means the Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding nonestuarine rivers, streams, tributaries, creeks, and flood control and drainage channels. "Sea" does not include the area of jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with Section 66600) of the Government Code, including any river, stream, tributary, creek, or flood control or drainage channel flowing directly or indirectly into such area.

Section 30116

"Sensitive coastal resource areas" means those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity. "Sensitive coastal resource areas" include the following:

(a) Special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in Part 4 of the coastal plan.

(b) Areas possessing significant recreational value.

(c) Highly scenic areas.

(d) Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer.

(e) Special communities or neighborhoods which are significant visitor destination areas.

(f) Areas that provide existing coastal housing or recreational opportunities for low-and moderate-income persons.

(g) Areas where divisions of land could substantially impair or restrict coastal access.

Section 30117

Blank.

Section 30118

"Special district" means any public agency, other than a local government as defined in this chapter, formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries. "Special district" includes, but is not limited to, a county service area, a maintenance district or area, an improvement district or improvement zone, or any other zone or area, formed for the purpose of designating an area within which a property tax rate will be levied to pay for service or improvement benefiting that area.

Section 30118.5

"Special treatment area" means an identifiable and geographically bounded forested area within the coastal zone that constitute a significant habitat area, area of special scenic significance, and any land where logging activities could adversely effect public recreation area or the biological productivity of any wetland, estuary, or stream especially valuable because of its role in a coastal ecosystem.

Section 30119

"State university" means the University of California and the California State University.

(Amended by Ch. 143, Stats. 1983.)

Section 30120

"Treatment works" shall have the same meaning as set forth in the Federal Water Pollution Control Act (33 U.S.C. 1251, et seq.) and any other federal act which amends or supplements the Federal Water Pollution Control Act.

Section 30121

"Wetland" means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

Section 30122

"Zoning ordinance" means an ordinance authorized by Section 65850 of the Government Code or, in the case of a charter city, a similar ordinance enacted pursuant to the authority of its charter.

(Added by Ch. 919, Stats. 1979.)

CHAPTER 2.5

REVISIONS TO THE COASTAL ZONE BOUNDARY

Section

30150	Amendment of inland boundary
30152	Del Norte County
30154	Humboldt County
30156	San Mateo County
30158	Santa Cruz County
30160	Monterey County
30162	Santa Barbara County
30164	Ventura County
30166	Los Angeles County
30166.5	City of Malibu; submission and adoption of local coastal program
30168	Orange County
30169	Aliso Viejo area of Orange County
30170	San Diego County
30170.6	Peñasquitos Canyon, San Diego County
30170.7	Green Valley; San Diego County (Inoperative)
30171	City of Carlsbad; submission and adoption or failure to adopt local coastal program; amendment of program
30171.2	City of Carlsbad; agricultural conversion fees
30171.5	City of Carlsbad; mitigation fees and non-prime agricultural lands
30172	Palomar Airport, San Diego County
30174	San Diego County; amendment of coastal zone inland boundary
30176	Repealed

Section 30150

Notwithstanding the maps adopted pursuant to Section 17 of Chapter 1330 of the Statutes of 1976, as amended by Section 29 of Chapter 1331 of the Statutes of 1976, the inland boundary of the coastal zone, as shown on the detailed coastal maps adopted by the commission on March 1, 1977, is amended by maps 1 to 35, inclusive, dated September 12, 1979, and filed on September 14, 1979, with the office of the Secretary of State and which are on file in the office of the commission. Maps 1 to 35, inclusive, are hereby adopted by reference.

The areas deleted and added to the coastal zone are specifically shown on maps 1 to 35, inclusive, adopted by this section, and are generally described in this chapter.

(Added by Ch. 1109, Stats. 1979.)

Section 30152

In Del Norte County:

(a) Near the community of Smith River, approximately 225 acres are excluded as specifically shown on map 1.

(b) The Fort Dick, Kings Valley, and Meadowbrook Acres are excluded as specifically shown on maps 2 and 3.

(c) In and near the City of Crescent City, approximately 2,250 acres between Lake Earl Drive and State Highway Route 101 and other partially urbanized areas such as the Bertsch Subdivision, are excluded as specifically shown on maps 2 and 3.

(d) In the City of Crescent City, approximately two acres are excluded as specifically shown on map 2A, dated May 5, 1982, and filed on May 20, 1982, with the Office of the Secretary of State.

(Added by Ch. 1109, Stats. 1979.)

(Amended by Ch. 1470, Stats. 1982.)

Section 30154

In Humboldt County:

(a) In and near the City of Fortuna, approximately 265 acres seaward of State Highway Route 101 are excluded as specifically shown on map 4.

(b) All of the incorporated land of the City of Ferndale as of January 1, 1979, is excluded as specifically shown on map 4A. The city shall consider work completed pursuant to its local coastal program in the course of preparing or revising its general plan. Notwithstanding any provision of Division 21 (commencing with Section 31000) to the contrary, the State Coastal Conservancy may undertake projects within the city without approval of the commission.

(Added by Ch. 1109, Stats. 1979.)

Section 30156

(a) In San Mateo County, within the Butano Creek watershed, the boundary is moved seaward to the five-mile limit described in Section 30103 and as specifically shown on map 5.

(b) In San Mateo County in the City of Pacifica, approximately 11 acres situated east of State Highway Route 1 and described in Director's Deed DD-028764-01-01 from the Director of Transportation, is included, as specifically shown on map 5.

(Added by Ch. 1109, Stats. 1979.)

(Amended by Ch. 1381, Stats. 1988.)

Section 30158

In Santa Cruz County:

(a) Near the community of Bonny Doon, the boundary is moved seaward to the five-mile limit described in Section 30103 and as specifically shown on maps 6 and 7.

(b) In the Watsonville area approximately 40 acres in the southwest portion of the city are excluded as specifically shown on map 8.

(Added by Ch. 1109, Stats. 1979.)

Section 30160

In Monterey County:

(a) In the City of Marina, approximately 400 acres between Del Monte Boulevard and the new alignment of State Highway Route 1 are excluded as specifically shown on map 9.

(b) In the City of Sand City approximately 125 acres landward of a 200-foot buffer along the new alignment of State Highway Route 1 are excluded as specifically shown on map 10; provided, however, a buffer of 100 feet along either side of the railroad right-of-way through the city together with such right-of-way are not excluded.

(c) In the City of Seaside, approximately 29 acres northeast of Laguna del Rey are excluded as specifically shown on map 10; provided, however, a 125-foot buffer along the edge of Laguna Grande, a 100-foot buffer along each side of the channel connecting Roberts Lake and Laguna Grande, and a 100-foot buffer along either side of the railroad right-of-way together with such right-of-way are not excluded.

(d) In the City of Monterey, the downtown area, and the Cannery Row area between Lighthouse Avenue and the extreme edge of the railroad right-of-way, are excluded as specifically shown on map 11; provided, however, that the one block area bounded by Foam Street and Wave Street and Prescott Avenue and Hoffman Avenue, is not excluded.

Notwithstanding any map referenced by Section 30150, dated September 12, 1979, and filed on September 14, 1979, with the office of the Secretary of State, the inland coastal zone boundary described in this subdivision shall be as prescribed by the amendments to this section made during the second year of the 1979-80 Regular Session of the Legislature.

(e) In the City of Pacific Grove, approximately 300 acres are excluded as specifically shown on map 11; provided, however, that the railroad right-of-way is not excluded.

(f) In the Del Monte Forest, approximately 90 acres known as the Navaho Tract are added as specifically shown on map 11.

(g) In the area between the intersection of the boundary and the easterly line of Section 26, T. 17 S., R. 1 E., M.D.M. and the intersection of the boundary and the northeasterly corner of Section 1, T. 19 S., R. 1 E., M.D.M., and in the vicinity of the head of the Middle Fork of Devil's Canyon and the head of the South Fork of Devil's Canyon the boundary is moved seaward to the five-mile limit described in Section 30103 and as specifically shown on maps 12, 13, and 14.

(Added by Ch. 1109, Stats. 1979.)

(Amended by Ch. 170, Stats. 1980.)

Section 30162

In Santa Barbara County:

(a) In Rancho San Julian and generally within the watershed of Jalama Creek, the boundary is moved seaward to the five-mile limit described in Section 30103 and as specifically shown on map 16.

(b) In the Devereux Lagoon and Goleta Slough areas, approximately 170 acres are excluded and 245 acres are added as specifically shown on maps 17 and 18; provided, however, that the land areas on which the University of California has proposed a 200 unit housing project are not included.

(Added by Ch. 1109, Stats. 1979.)

Section 30164

In Ventura County:

(a) Near the mouth of the Ventura River, approximately 190 acres are added as specifically shown on map 19.

(b) In the City of San Buenaventura, approximately 240 acres are excluded as specifically shown on map 19.

(c) In the City of Oxnard and a small unincorporated area, approximately 130 acres are excluded and approximately 85 acres are added as specifically shown on map 20.

(d) In the area describes as Section 36, T. 1 N., R. 20 W., S.B.B.L., the boundary is moved seaward to the five-mile limit described in Section 30103 and as specifically shown on map 21.

(Added by Ch. 1109, Stats. 1979.)

Section 30166

In Los Angeles County.

(a) In three locations within the Santa Monica Mountains, the boundary is moved seaward to the five-mile limit described in Section 30103 and as specifically shown on maps 22, 23, and 24.

(b) In the Temescal Canyon watershed in the City of Los Angeles, all lands owned or controlled by the Presbyterian Synod, the University of California, the Los Angeles County Sanitation District, and the Los Angeles Unified School District are added.

(c) In the Cities of Los Angeles and El Segundo the areas east of Vista del Mar that include the Scattergood Steam Plant, the Hyperion Sewage Treatment Plant, and portions of an oil refinery are excluded as specifically shown on map 25. In adopting this boundary change, the Legislature specifically reaffirms the existing location of the coastal zone boundary in the Venice area of the City of Los Angeles.

(d) In the City of Manhattan Beach approximately 140 acres, and in the City of Hermosa Beach approximately 170 acres, are excluded as specifically shown on maps 25 and 26.

(e) In the City of Palos Verdes Estates, approximately 95 acres landward of Paseo del Mar are excluded as specifically shown on map 26.

(f) In the City of Long Beach the area near Colorado Lagoon is excluded as specifically shown on map 27.

(g) In the City of Long Beach, the area commencing at the intersection of the existing coastal zone boundary at Colorado Street and Pacific Coast Highway, thence southerly along Pacific Coast Highway to the intersection of Loynes Drive, thence easterly along Loynes Drive to the intersection of Los Cerritos Channel, thence northerly along Los Cerritos Channel to the existing coastal zone boundary, is excluded as specifically shown on map 27A.

(Added by Ch. 1109, Stats. 1979.)

Section 30166.5

(a) On or before January 15, 2002, the commission shall submit to the City of Malibu an initial draft of the land use portion of the local coastal program for the City of Malibu portion of the coastal zone, which is specifically delineated on maps 133, 134, 135, and 136, which were placed on file with the Secretary of State on September 14, 1979.

(b) On or before September 15, 2002, the commission shall, after public hearing and consultation with the City of Malibu, adopt a local coastal program for that area within the City of Malibu portion of the coastal zone that is specifically delineated on maps 133, 134, 135, and 136, which have been placed on file with the Secretary of State on March 14, 1977, and March 1, 1987. The local coastal program for the area shall, after adoption by the commission, be deemed certified, and shall, for all purposes of this division, constitute the certified local coastal program for the area. Subsequent to the certification of the local coastal program, the City of Malibu shall immediately assume coastal development permitting authority, pursuant to this division. Notwithstanding the requirements of Chapter 4.5 (commencing with Section 65920) of Division 1

of Title 7 of the Government Code, once the City of Malibu assumes coastal development permitting authority pursuant to this section, no application for a coastal development permit shall be deemed approved if the city fails to take timely action to approve or deny the application.

(Added by Ch. 952, Stats. 2000.)

Section 30168

In Orange County:

(a) In the City of Huntington Beach, approximately 9.5 acres are added as specifically shown on map 28.

(b) In the City of Costa Mesa, approximately 15 acres are excluded as specifically shown on map 28.

(c) In the City of Newport Beach, approximately 22.6 acres adjacent to Pacific Coast Highway are added as specifically shown on map 28; provided, however, that the area described in this subdivision shall be excluded from the coastal zone, if the Department of Transportation, within one year from the effective date of this act, enters into an agreement for use of this area for hospital-related purposes.

(d) In the Niguel Hill area, the developed portions of Pacific Island Village are excluded as specifically shown on map 29.

(e) In the communities of Dana Point and Laguna Niguel, approximately 450 acres inland of the Pacific Coast Highway are excluded as specifically shown on map 29A.

(f) In the community of Capistrano Beach, approximately 381 acres seaward of the San Diego Freeway are excluded as specifically shown on map 29A.

(g) In the City of San Clemente, approximately 230 acres inland seaward of the San Diego Freeway are added as specifically shown on map 29B, dated September 1, 1981, and filed on September 1, 1981, with the Office of the Secretary of State.

(h) In the City of San Clemente, approximately 214 acres inland and seaward of the San Diego Freeway are excluded as specifically shown on maps 29A and 30.

(Added by Ch. 1109, Stats. 1979.)

(Amended by Ch. 43, Stats. 1982.)

Section 30169

(a) The Legislature hereby finds and declares that a dispute exists as to the proper location of the inland boundary of the coastal zone in the area commonly known as Aliso Viejo and that, after extensive review of the history of this boundary segment, the criteria utilized to establish the boundary in 1976, and the relevant topographical information, it is possible to reach differing conclusions of equal validity regarding the proper location of the coastal zone boundary. The Legislature further finds that it is not possible to determine objectively which ridgeline feature in the Aliso Viejo area most closely approximates the boundary criteria utilized by the Legislature in 1976, and that it is in the best public interest to resolve the current boundary dispute in order to avoid further delay in the completion of the local coastal program for Orange County. The Legislature further finds that a timely solution of this boundary dispute can best be accomplished by adjusting the coastal zone boundary in the manner set forth in this section and within the general framework of Section 30103 and consistent with the need to protect the coastal resources of the Aliso Viejo area and to carry out the requirements of Section 30213.

(b) In the Aliso Creek area of Orange County approximately 286 acres are added and approximately 1,020 acres are excluded as specifically shown on maps 28A and 28B dated April 15, 1980, and filed on April 22, 1980, with the office of the Secretary of State and which are on file in the office of the commission. The maps are hereby adopted by reference. The changes made in the inland boundary of the coastal zone by this section are in addition to any changes made by any map referred to in Section 30150, except to the extent that the changes made by this section affect a segment of the boundary previously changed by the map, in which case the changes made by this section shall supersede any of those previous changes.

(c) The executive director of the commission may adjust the precise location of the inland boundary of the coastal zone not more than 100 yards in either a seaward or landward direction in order to conform the precise boundary location to the specific limits of development adjacent to the coastal zone boundary as shown on maps 28A and 28B. However, in any subdivided area, the executive director may adjust the precise location of the inland boundary of the coastal zone not more than 100 feet in a landward direction in order to include any development of the first row of lots immediately adjacent to the boundary as shown on those maps, where the executive director determines that the adjustment is necessary to ensure that adequate controls will be applied to the development in order to minimize any potential adverse effects on the coastal zone resources. The executive director shall prepare a detailed map showing any of the changes and shall file a copy of the map with the county clerk.

(d) Prior to the adoption and approval of a drainage control plan by the County of Orange for the Aliso Viejo Planned Community (as designated by Amendment No. L.U. 79-1 to the Land Use Element of the Orange County General Plan), the county shall consult with the executive director of the commission to ensure that any drainage control facilities located outside the coastal zone are adequate to provide for no increase in peak runoff, by virtue of the development of the Aliso Viejo Planned Community, which would result in adverse impacts on coastal zone resources.

(e) On or before January 31, 1981, the commission shall, after public hearing and in consultation with the County of Orange, certify or reject a local coastal program segment prepared and submitted by the county on or before August 1, 1980, for the following parcel in the Aliso Creek area: land owned by the Aliso Viejo Company, a California corporation, as of April 22, 1980, within the coastal zone as amended by this section. The local coastal program required by this subdivision shall, for all purposes of this division, constitute a certified local coastal program segment for that parcel in the County of Orange. The segment of the county's local coastal program for the parcel may be amended pursuant to this division relating to the amendment of local coastal programs. If the commission neither certifies nor rejects the submitted local coastal program within the time limit specified in this subdivision, the land added to the coastal zone by this section shall no longer be subject to this division. It is the intent of the Legislature in enacting this subdivision, that a procedure to expedite the preparation and adoption of a local coastal program for that land be established so that the public and the affected property owner know as soon as possible what uses are permissible.

(f) The commission, through its executive director, shall enter into a binding and enforceable agreement with Aliso Viejo Company, and the agreement shall be recorded as a covenant to run with the land with no prior liens other than tax and assessment liens restricting the Aliso Viejo Planned Community. The agreement shall provide for all of the following:

(1) The Aliso Viejo Company shall provide at least 1,000 units of for-sale housing to moderate-income persons at prices affordable to a range of households earning from 81 to 120 percent of the median income for Orange County as adjusted for family size pursuant to the commission's housing guidelines on affordable housing dated January 22, 1980, and July 16, 1979, and such any additional provisions as agreed to between the commission and the Aliso Viejo Company as referred to in this subdivision.

For purposes of this subdivision, median income constitutes the figure most recently established by the Department of Housing and Urban Development at the time the public report for the units, or any portion thereof, is issued by the Department of Real Estate. The affordable units required by this subdivision shall be priced equally over the moderate-income range and shall reflect a reasonable mix as to size and number of bedrooms.

(2) The 1,000 units provided pursuant to this subdivision shall be sold subject to controls on resale substantially as provided in the commission's housing guidelines on affordable housing, dated January 22, 1980, and July 16, 1979, and any additional provisions as agreed to between the commission and the Aliso Viejo Company as referred to in this subdivision. On or before entering the agreement provided for herein, the Aliso Viejo Company shall enter into an agreement, approved by the executive director of the commission, with the Orange County Housing Authority or any other appropriate housing agency acceptable to the executive director of the commission to provide for the administration of the resale controls including the qualification of purchasers.

(3) The 1,000 units provided pursuant to this subdivision may be dispersed throughout the Aliso Viejo Planned Community, and shall be completed and offered for sale prior to, or simultaneously with, other units in the overall project, so that at any time at least 7 1/2 percent of the units constructed shall be resale-controlled until the 1,000 units are completed.

(4) The Department of Housing and Community Development and the County of Orange shall be third party beneficiaries to the agreement provided in this subdivision and shall have the power to enforce any and all provision of the agreement.

(5) This agreement may only be amended upon the determination of the Aliso Viejo Company or its successors or assigns, the commission, the Department of Housing and Community Development, and the County of Orange that the change is necessary in order to prevent adverse effects on the supply of low- and moderate-income housing opportunities and to improve the methods of providing the housing at continually affordable prices.

The Legislature hereby finds and declares that, because the Aliso Viejo Company, in addition to the 1,000 units of controlled housing provided in this subdivision, will provide for 2,000 units of subsidized affordable housing for low income persons and 2,000 affordable housing units for moderate income persons pursuant to the company's housing program, the purposes of Section 30213 will be met by enactment of this subdivision. The Legislature further finds and declares that the general provisions of this subdivision are specifically described and set forth in letters by Aliso Viejo Company and the executive director of the commission published in the Journals of the Senate and the Assembly of the 1979-80 Regular Session, and it is the intent of the Legislature that the commission and Aliso Viejo Company conform the agreement provided in this subdivision to the specific provisions described in the letters.

(g) Notwithstanding any other provision of law, the application of this division by the commission to the development or use of any infrastructure necessary and appropriate to serve development within the portions of the Aliso Viejo Planned Community located inland of the coastal zone as amended by this section, shall be strictly limited to addressing direct impacts on coastal zone resources and shall be carried out in a manner that assures that the infrastructure will be provided. Furthermore, the commission shall amend without conditions its prior permit No. A-61-76 to provide for its release of sewer outfall flow limitations necessary and appropriate to serve the Aliso Viejo Planned Community located inland of the coastal zone as amended by this subdivision. For purposes of this subdivision, "infrastructure" means those facilities and improvements necessary and appropriate to develop, construct, and serve urban communities, including but not limited to, streets, roads, and highways; transportation systems and facilities; schools; parks; water and sewage systems and facilities; electric, gas, and communications system and facilities; and drainage and flood control systems and facilities. Notwithstanding this subdivision, the commission may limit, or reasonably condition, the use of the transit corridor in Aliso Creek Valley to transit uses, uses

approved by the commission that serve the Aliso Greenbelt Project prepared by the State Coastal Conservancy, the provision of access to and from the sewage treatment works in Aliso Creek Valley, emergency uses, and drainage and flood control systems and facilities and other services approved pursuant to this subdivision.

(h) This section shall become operative only when the commission and Aliso Viejo Company have entered into the binding and enforceable agreement provided for in this section, and the agreement has been duly recorded with the county recorder of Orange County.

(Added by Ch. 170, Stats. 1980.)

(Amended by Ch. 714, Stats. 1981.)

Section 30170

In San Diego County:

(a) In the City of Oceanside, approximately 500 acres are excluded as specifically shown on maps 30A and 31.

(b) In the City of Carlsbad, approximately 180 acres in the downtown area, except for the Elm Street corridor, are excluded as specifically shown on map 31.

(c) In the City of Carlsbad, the area lying north of the Palomar Airport as generally shown on maps 31 and 32 and as specifically described in this subdivision is excluded.

Those portions of lots "F" and "G" of Rancho Agua Hedionda, part in the City of Carlsbad and part in the unincorporated area of the County of San Diego, State of California, according to the partition map thereof No. 823, filed in the office of the county recorder of such county, November 16, 1896, described as follows:

Commencing at point 1 of said lot "F" as shown on said map; thence along the boundary line of said lot "F" south 25 33'56" east, 229.00 feet to point 23 of said lot "F" and south 54 40'19" east, 1347.00 feet; thence leaving said boundary line south 35 19'44" west, 41.28 feet to the true point of beginning, which point is the true point of beginning, of the land described in deed to Japatul Corporation recorded December 8, 1975, at recorder's file/page No. 345107 of official records to said county; thence along the boundary line of said land south 35 19'44" west, 2216.46 feet and north 53 02'49" west, 1214.69 feet to the northeast corner of the land described in deed to Japatul Corporation recorded December 8, 1975, at recorder's file/page no. 345103 of said official records; thence along the boundary lines of said land as follows: West, 1550 feet, more or less, to the boundary of said lot "F"; south 00 12'00" west, 550 feet, more or less, to point 5 of said lot "F"; south 00 25'00" east along a straight line between said point 5 and point 14 of said lot "F", to point 14 of said lot "F": thence along the boundary of said lot "F" south 52 15'45" east (record south 51 00'00" east) 1860.74 feet more or less to the most westerly corner of the land conveyed to James L. Hieatt, et ux, by deed recorded June 11, 1913, in Book 617, page 54 of deed, records of said county; thence along the northwesterly and northeasterly boundary of Hieatt's land as follows: North 25 00'00" east, 594.00 feet and south 52 15'45" east (record south 51 00'00" east per deed) 1348.61 feet to a point of intersection with the northerly line of Palomar County Airport, said point being on the boundary of the land conveyed to Japatul Corporation by deed recorded December 8, 1975, at recorder's file/page No. 345107 of said official records; thence along said boundary as follows: North 79 10'00" east, 4052.22 feet north 10 50'00" west, 500.00 feet; north 79 10'00" east 262.00 feet, south 10 50'00" east, 500.00 feet; north 79 10'00" east, 1005 feet, more or less, to the westerly line of the land conveyed to the County of San Diego by deed recorded May 28, 1970, at recorder's file/page No. 93075 of said official records; thence continuing along the boundary of last said Japatul Corporation's land north 38 42'44" west, 2510.58 feet to the beginning of a tangent 1845.00 foot radius curve concave northeasterly; along the arc of said curve

through a central angle of 14 25'52" a distance of 464.70 feet to a point of the southerly boundary of the land allotted to Thalia Kelly Considine, et al, by partial final judgment in partition, recorded January 1, 1963, at recorder's file/page No. 11643 of said official records; thence continuing along last said Japatul Corporation's land south 67 50'28" west, 1392.80 feet north 33 08'52" west, 915.12 feet and north 00 30'53" west, 1290.37 feet to the southerly line of said land conveyed to the County of San Diego, being also the northerly line of last said Japatul Corporation's land; thence along said common line north 74 57'25" west, 427.67 feet to the beginning of a tangent 2045.00 foot radius curve concave northerly; and westerly along the arc of said curve through a central angle of 16 59'24", a distance of 606.41 feet to the true point of beginning.

And those properties known as assessors parcel Nos. 212-020-08, 212-020-22, and 212-020-23.

Excepting therefrom that portion, if any, conveyed to the County of San Diego, by quitclaim deed recorded January 12, 1977, at recorder's file/page No. 012820 of said official records.

No development may occur in the area described in this subdivision until a plan for drainage of the parcel to be developed has been approved by the local government having jurisdiction over the area after consultation with the commission and the Department of Fish and Game. The plan shall assure that no detrimental increase occurs in runoff of water from the parcel to be developed and shall require that the facilities necessary to implement the plan are installed as part of the development.

(d) In the City of Carlsbad and adjacent unincorporated areas, approximately 600 acres consisting of the Palomar Airport and an adjoining industrial park are excluded as specifically shown on maps 31 and 32.

(e) An area consisting of approximately 333 acres lying west and south of the Palomar Airport and bounded on the south by Palomar Airport Road is excluded as specifically shown on maps 31 and 32.

No development may occur in the area described in this subdivision until a plan for drainage of the parcel to be developed has been approved by the local government having jurisdiction over the area after consultation with the commission and the Department of Fish and Game. The plan shall assure that no detrimental increase occurs in runoff of water from the parcel to be developed and shall require that the facilities necessary to implement the plan are installed as part of the development.

(f) On or before October 1, 1980, the commission shall, after public hearing and in consultation with the City of Carlsbad, prepare, approve, and adopt a local coastal program for the following parcels in the vicinity of Batiquitos Lagoon within the City of Carlsbad: lands owned by Rancho La Costa, a registered limited partnership, lands (consisting of approximately 80 acres) owned by Standard Pacific of San Diego, Inc., that were conveyed by Rancho La Costa on October 8, 1977, and lands owned by the Occidental Petroleum Company. Such parcels shall be determined by ownership as of September 12, 1979. As used in this subdivision, "parcels" means the parcels identified in this paragraph. The local coastal program required by this subdivision shall include all of the following elements:

(1) Protection of agricultural lands and uses to the extent feasible.

(2) Minimization of adverse impacts from sedimentation.

(3) Protection of feasible public recreational opportunities.

(4) Provision for economically feasible development consistent with the three elements specified in this subdivision.

The local coastal program required by this subdivision shall, after adoption by the commission, be deemed certified and shall for all purposes of this division constitute certified local coastal program segments for those parcels in the City of Carlsbad. The segments of the city's local coastal program for those parcels may be amended pursuant to the provisions of this division relating to the amendment of local coastal programs. In addition, until such time as (i) the City of Carlsbad adopts or enacts the implementing actions contained in any such local coastal program, or (ii) other statutory provisions provide alternately for the adoption, certification, and implementation of a local coastal program for those parcels, the local coastal program required by this subdivision may also be amended by the commission at the request of the owner of any of those parcels. For administrative purposes, the commission may group these requests in order to schedule them for consideration at a single commission hearing; provided, however, that the commission shall schedule these requests for consideration at least once during each four-month period, beginning January 1, 1982. After either of these events occur, however, these property owners shall no longer be eligible to request the commission to amend the local coastal program.

If the commission fails to adopt such local coastal program within the time limits specified in this subdivision, those parcels shall be excluded from the coastal zone and shall no longer be subject to the provisions of this division. It is the intent of the Legislature in enacting this subdivision that a procedure to expedite the preparation and adoption of a local coastal program for those parcels be established so that the public and affected property owners know as soon as possible what the permissible uses of such lands are.

(g) In the vicinity of the intersection of Del Mar Heights Road and the San Diego Freeway, approximately 250 acres are excluded as specifically shown on map 33.

(h) In the vicinity of the intersection of Carmel Valley Road and the San Diego Freeway, approximately 45 acres are added as specifically shown on map 33.

In the City of San Diego, the Carmel Valley area consisting of approximately 1,400 acres as shown on map 33 which has been placed on file with the Secretary of State on January 23, 1980, shall be excluded from the coastal zone after the City of San Diego submits, and the commission certifies, a drainage plan and a transportation plan for the area. The city shall implement and enforce the certified drainage and transportation plans. Any amendments or changes to the underlying land use plan for the area that affects drainage, or to either the certified drainage or transportation plan, shall be reviewed and processed in the same manner as an amendment of a certified local coastal program pursuant to Section 30514. Any land use not in conformance with the certified drainage and transportation plans may be appealed to the commission pursuant to the appeals procedure as provided by Chapter 7 (commencing with Section 30600). The drainage plan and any amendments thereto shall be prepared after consultation with the Department of Fish and Game and shall ensure that problems resulting from water runoff, sedimentation, and siltation are adequately identified and resolved.

(i) Near the head of the south branch of Los Penasquitos Canyon, the boundary is moved seaward to the five-mile limit as described in Section 30103 and as specifically shown on map 33.

(j) In the City of San Diego, approximately 1,855 acres known as the Mount Soledad and La Jolla Mesa areas are added as specifically shown on map 34; provided however, that on or before February 29, 1980, and pursuant to either subdivision (d) of Section 30610 or Section 30610.5, the commission shall exclude from coastal development permit requirements any single family residence within the area specified in this subdivision. No coastal development permit shall be required for any improvement, maintenance activity, relocation, or reasonable expansion of any commercial radio or television transmission facilities within the area specified in this subdivision unless any such proposed activity could result in a significant change in the density or intensity of use in such area or could have a significant adverse impact on highly scenic resources of public importance; provided, however, that no prior review by the commission of any such activity shall be required.

(k) In the City of San Diego, approximately 30 acres known as the Famosa Slough is added as specifically shown on maps 34 and 35.

(Added by Ch. 1109, Stats. 1979.)

(Amended by Ch. 1360, Stats. 1980.)

(Amended by Ch. 43, Stats. 1982.)

Section 30170.6

Notwithstanding Section 17 of Chapter 1330 of the Statutes of 1976, as amended by Section 29 of Chapter 1331 of the Statutes of 1976, any map dated September 12, 1979, and filed on September 14, 1979, with the office of the Secretary of State, or any provision of Section 30170, the inland boundary of the coastal zone in a portion of San Diego County, of approximately 95 acres in Penasquitos Canyon, is hereby amended as indicated by revised map number 33, dated March 21, 1980, and filed on March 21, 1980, with the office of the Secretary of State; provided, that the City of San Diego first submits and the commission approves a drainage plan for the area providing for drainage in connection with the extension of Mira Mesa Boulevard to Interstate Highway 805 sufficient to assure that no detrimental increase in runoff of water into Carroll Canyon occurs as a result of construction of Mira Mesa Boulevard.

(Added by Ch. 631, Stats. 1980.)

Section 30170.7

Inoperative.

(Added by Ch. 1103, Stats. 1980.)

(Amended by Ch. 714, Stats. 1981.)

Section 30171

(a) On or before October 1, 1980, the commission shall submit to the City of Carlsbad an initial draft of the land use portion of the local coastal program for the area specifically delineated on maps 154 and 155 which have been placed on file with the Secretary of State on April 22, 1980.

(b) On or before July 1, 1981, the commission shall, after public hearing and consultation with the City of Carlsbad, adopt a local coastal program for that area within the City of Carlsbad which is specifically delineated on maps 154 and 155 which have been placed on file with the Secretary of State on April 22, 1980. The local coastal program for such area shall, after adoption by the commission, be deemed certified, and shall, for all purposes of this division, constitute the certified local coastal program for such area. The local coastal program for such area may be amended pursuant to the provisions of this division relating to the amendment of local coastal programs. In addition, until such time as (i) the City of Carlsbad adopts or enacts the implementing actions contained in any such coastal program or (ii) other statutory provisions provide alternately for the adoption, certification, and implementation of a local coastal program for that area, the local coastal program required by this subdivision may also be amended by the commission at the request of any owner of property located within the area. For administrative purposes, the commission may group these requests in order to schedule them for consideration at a single commission hearing; provided, however, that the commission shall schedule these requests for consideration at least once during each four-month period, beginning January 1, 1982. After either of these events occur, however, these property owners shall no longer be eligible to request the commission to amend the local coastal program.

(c) If the commission fails to adopt such local coastal program within the time limits specified in this subdivision, such area shall be excluded from the coastal zone and shall no longer be subject to the

provisions of this division. It is the intent of the Legislature, in enacting this section, that a procedure to expedite the preparation and adoption of a local coastal program in this specified area be established so that the public and affected property owners know as soon as possible what the permissible uses of such lands are.

(d) This section is not intended and shall not be construed as authorizing any modification, extension, or alteration in any deadline or other provisions of any contract between the commission or any regional coastal commission and any person, business, or corporation with respect to planning services for the area delineated on maps 154 and 155.

(Added by Ch. 170, Stats. 1980.)

(Amended by Ch. 43, Stats. 1982.)

Section 30171.2

(a) Except as provided in subdivision (b), on and after January 1, 1985, no agricultural conversion fees may be levied or collected under the agricultural subsidy program provided in the local coastal program of the City of Carlsbad which was adopted and certified pursuant to Section 30171. All other provisions of that program shall continue to be operative, including the right to develop designated areas as provided in the program.

(b) This section shall not affect any right or obligation under any agreement or contract entered into prior to January 1, 1985, pursuant to that agricultural subsidy program, including the payment of any fees and the right of development in accordance with the provisions of any such agreement or contract. As to these properties, the agricultural subsidy fees in existence as of December 31, 1984, shall be paid and allocated within the City of Carlsbad, or on projects outside the city which benefit agricultural programs within the city, in accordance with the provisions of the agricultural subsidy program as it existed on September 30, 1984.

(c) Any agricultural conversion fees collected pursuant to the agricultural subsidy program and not deposited in the agricultural improvement fund in accordance with the local coastal program or which have not been expended in the form of agricultural subsidies assigned to landowners by the local coastal program land use policy plan on January 1, 1985, shall be used by the State Board of Control to reimburse the party which paid the fees if no agreements or contracts have been entered into or to the original parties to the agreements or contracts referred to in subdivision (b) in proportion to the amount of fees paid by the parties. However, if the property subject to the fee was under option at the time that the original agreement or contract was entered into and the optionee was a party to the agricultural subsidy agreement, payments allocable to that property shall be paid to the optionee in the event the optionee has exercised the option. Reimbursement under this section shall be paid with 90 days after January 1, 1985, or payment of the fee, whichever occurs later, and only after waiver by the party being reimbursed of any potential legal rights resulting from enactment of this section.

(d) Any person entitled to reimbursement of fees under subdivision (c) shall file a claim with the State Board of Control which shall determine the validity of the claim and pay that person a pro rata share based on the relative amounts of fees paid under the local coastal program or any agreement or contract entered pursuant thereto.

There is hereby appropriated to the State Board of Control the fees referred to in subdivision (c), for the purpose of making refunds under this section.

(e) Notwithstanding any geographical limitation contained in this division, funds deposited pursuant to subdivision (b) may be expended for physical or institutional development improvements needed to facilitate long-term agricultural production within the City of Carlsbad. These funds may be used to

construct improvements outside the coastal zone boundaries in San Diego County if the improvements are not inconsistent with the Carlsbad local coastal program and the State Coastal Conservancy determines that the improvements will benefit agricultural production within the coastal zone of the City of Carlsbad.

(Added by Ch. 1388, Stats. 1984.)

(Amended by Ch. 402, Stats. 1988.)

Section 30171.5

(a) The amount of the mitigation fee for development on nonprime agricultural lands in the coastal zone in the City of Carlsbad that lie outside of the areas described in subdivision (f) of Section 30170 and subdivision (b) of Section 30171 shall be determined in the applicable segment of the local coastal program of the City of Carlsbad, but shall not be less than five thousand dollars (\$5,000), nor more than ten thousand dollars (\$10,000), per acre. All mitigation fees collected under this section shall be deposited in the State Coastal Conservancy Fund.

(b) All mitigation fees collected pursuant to this section are hereby appropriated to, and shall be expended by, the State Coastal Conservancy in the following order of priority:

(1) Restoration of natural resources and wildlife habitat in Batiquitos Lagoon.

(2) Development of an interpretive center at Buena Vista Lagoon.

(3) Provision of access to public beaches in the City of Carlsbad.

(4) Any other project or activity benefiting or enhancing the use of natural resources, including open field cultivated floriculture, in the coastal zone in the City of Carlsbad that is provided for in the local coastal program of the City of Carlsbad.

(c) The State Coastal Conservancy may establish a special account in the State Coastal Conservancy Fund and deposit mitigation fees collected pursuant to this section in the special account. Any interest accruing on that money in the special account shall be expended pursuant to subdivision (b).

(d) Not less than 50 percent of collected and bonded mitigation fees shall be expended for the purpose specified in paragraph (1) of subdivision (b).

(e) Other than to mitigate the agricultural conversion impacts for which they are collected, none of the mitigation fees collected pursuant to this section shall be used for elements of a project which cause that project to be in compliance with this division or to mitigate a project which would otherwise be inconsistent with this division. When reviewing a potential project for consistency with this subdivision, the State Coastal Conservancy shall consult with the commission.

(Added by Ch. 1388, Stats. 1984.)

(Amended by Ch. 480, Stats. 1987.)

(Amended by Ch. 513, Stats. 1996.)

Section 30172

In the San Diego County, an area consisting of approximately 180 acres lying west and south of Palomar Airport as shown on map 155, which has been placed on file with the Secretary of State on April 22, 1980, shall be excluded from the coastal zone after the City Engineer of the City of Carlsbad approves and the commission certifies a drainage plan for the area, pursuant to the commission's interim permit authority, which plan the city shall implement and enforce.

(Added by Ch. 170, Stats. 1980.)

Section 30174

Notwithstanding the maps adopted pursuant to Section 17 of Chapter 1330 of the Statutes of 1976, as amended by Section 29 of Chapter 1331 of the Statutes of 1976, the inland boundary of the coastal zone, as shown on detailed coastal map 157 adopted by the commission on March 1, 1977, shall be amended to conform to the inland boundary shown on map A which is hereby adopted by reference and which shall be filed in the office of the Secretary of State and the commission on the date of enactment of this section.

The areas deleted and added to the coastal zone which are specifically shown on map A are in the County of San Diego and are generally described as follows:

(a) In the vicinity of the intersection of Del Mar Heights Road and the San Diego Freeway, approximately 250 acres are excluded as specifically shown on map A.

(b) In the vicinity of the intersection of Carmel Valley Road and the San Diego Freeway, approximately 45 acres are added as specifically shown on map A.

(c) Near the head of the south branch of Los Penasquitos Canyon, the boundary is moved seaward to the five-mile limit as described in Section 30103 and as specifically shown on map A.

(Added by Ch. 1128, Stats. 1979.)

Section 30176

(Repealed by Ch. 226, Stats. 1991.)

CHAPTER 3
COASTAL RESOURCES PLANNING AND
MANAGEMENT POLICIES

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ARTICLE I

GENERAL

Section 30200

(a) Consistent with the coastal zone values cited in Section 30001 and the basic goals set forth in Section 30001.5, and except as may be otherwise specifically provided in this division, the policies of this chapter shall constitute the standards by which the adequacy of local coastal programs, as provided in Chapter 6 (commencing with Section 30500), and, the permissibility of proposed developments subject to the provisions of this division are determined. All public agencies carrying out or supporting activities outside the coastal zone that could have a direct impact on resources within the coastal zone shall consider the effect of such actions on coastal zone resources in order to assure that these policies are achieved.

(b) Where the commission or any local government in implementing the provisions of this division identifies a conflict between the policies of this chapter, Section 30007.5 shall be utilized to resolve the conflict and the resolution of such conflicts shall be supported by appropriate findings setting forth the basis for the resolution of identified policy conflicts.

(Amended by Ch. 43, Stats. 1982.)

ARTICLE 2

PUBLIC ACCESS

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

(Amended by Ch. 1075, Stats. 1978.)

Section 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) Adequate access exists nearby, or,

(3) Agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

(b) For purposes of this section, "new development" does not include:

(1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.

(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.

(5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.

As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

(Amended by Ch. 1075, Stats. 1978.)

(Amended by Ch. 919, Stats. 1979.)

(Amended by Ch. 744, Stats. 1983.)

Section 30212.5

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

(Amended by Ch. 1191, Stats. 1979.)

(Amended by Ch. 1087, Stats. 1980.)

(Amended by Ch. 1007, Stats. 1981.)

(Amended by Ch. 285, Stats. 1991.)

Section 30214

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California

Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

(Amended by Ch. 919, Stats. 1979.)

(Amended by Ch. 285, Stats. 1991.)

ARTICLE 3

RECREATION

Section 30220

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

(Amended by Ch. 380, Stats. 1978.)

Section 30222

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30222.5

Ocean front land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.

(Added by Ch. 1486, Stats. 1982.)

Section 30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30224

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

ARTICLE 4

MARINE ENVIRONMENT

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Section 30233

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.

For the purposes of this section, "commercial fishing facilities in Bodega Bay" means that not less than 80 percent of all boating facilities proposed to be developed or improved, where such improvement would create additional berths in Bodega Bay, shall be designed and used for commercial fishing activities.

(d) Erosion control and flood control facilities constructed on water courses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

(Amended by Ch. 673, Stats. 1978.)

(Amended by Ch. 43, Stats. 1982.)

(Amended by Ch. 1167, Stats. 1982.)

(Amended by Ch. 454, Stats. 1983.)

Section 30234

Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

Section 30234.5

The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.

(Added by Ch. 802, Stats. 1991.)

Section 30235

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

Section 30236

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

Section 30237

(a) This section shall apply only to the Bolsa Chica wetlands or a portion thereof in the County of Orange.

The County of Orange or any landowner may petition the Department of Fish and Game, on or before October 1, 1983, to prepare a habitat conservation plan. Upon receipt of the petition, the Department of Fish and Game and the State Coastal Conservancy, in cooperation with the county and any landowner, shall jointly prepare a habitat conservation plan in order to carry out the following objectives:

- (1) To provide for the conservation of the habitat of fish and wildlife resources.
- (2) To anticipate and resolve potential conflicts between the conservation of fish and wildlife resources or their habitat and actions by local, state, or federal agencies and private persons.
- (3) To provide for greater certainty and predictability regarding the conservation of fish and wildlife resources and their habitat and regarding private and public activities potential affecting those resources.

(b) With respect to the preparation of the habitat conservation plan, the Department of Fish and Game shall be the lead agency for wetland identification purposes and the State Coastal Conservancy shall be the lead agency for the purposes of identifying land use alternatives. Upon completion of the habitat conservation plan and on or before July 20, 1984, the Department of Fish and Game and the State Coastal Conservancy shall jointly forward it to the commission for approval. The commission shall approve the plan if it finds it raises no substantial issue as to conformity with the planning and management policies of this chapter. If the plan is approved by the Commission, it may be incorporated into the county's local coastal program.

(c) All costs of preparation of the habitat conservation plan, including, but not limited to, additional necessary personnel temporarily appointed by the Department of Fish and Game and the State Coastal Conservancy, shall be paid by the petitioner or petitioners. If additional personnel are necessary, the Department of Finance shall review the requests to ensure that the personnel required will be utilized to

carry out only the purposes of this section. If the Department of Finance finds the additional personnel required will be utilized only to carry out the purposes of this section, the temporary appointment requests shall be processed and approved by the Department of Finance in an expedited fashion, in no event longer than 10 working days after the requests are made. Furthermore, these requests for temporary appointments shall be exempt from all state personnel hiring requirements, for the review provided in this subdivision by the Department of Finance, and from any personnel hiring limitations during the time period set forth in this section for the preparation of the habitat conservation plan.

(Added by Ch. 1203, Stats. 1983.)

ARTICLE 5

LAND RESOURCES

Section 30240

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

(Amended by Ch. 285, Stats. 1991.)

Section 30241

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.

(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

(Amended by Ch. 1066, Stats. 1981.)

(Amended by Ch. 43, Stats. 1982.)

Section 30241.5

(a) If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section 30241 as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements:

(1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.

(2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.

For purposes of this subdivision, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal program or in the proposed amendment to a certified local coastal program.

(b) The economic feasibility evaluation required by subdivision (a) shall be submitted to the commission, by the local government, as part of its submittal of a local coastal program or an amendment to any local coastal program. If the local government determines that it does not have the staff with the necessary expertise to conduct the economic feasibility evaluation, the evaluation may be conducted under agreement with the local government by a consultant selected jointly by local government and the executive director of the commission.

(Added by Ch. 259, Stats. 1984.)

Section 30242

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

Section 30243

The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities.

Section 30244

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

ARTICLE 6

DEVELOPMENT

Section 30250

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

(Amended by Ch. 1090, Stats. 1979.)

Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30252

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Section 30253

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

(3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.

(4) Minimize energy consumption and vehicle miles traveled.

(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

Section 30254

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

Section 30254.5

Notwithstanding any other provision of law, the commission may not impose any term or condition on the development of any sewage treatment plant which is applicable to any future development that the commission finds can be accommodated by that plant consistent with this division. Nothing in this section modifies the provisions and requirements of Sections 30254 and 30412.

(Added by Ch. 978, Stats. 1984.)

Section 30255

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

(Amended by Ch. 1090, Stats. 1979.)

ARTICLE 7

INDUSTRIAL DEVELOPMENT

Section 30260

Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.

Section 30261

Multicompany use of existing and new tanker facilities shall be encouraged to the maximum extent feasible and legally permissible, except where to do so would result in increased tanker operations and associated onshore development incompatible with the land use and environmental goals for the area. New tanker terminals outside of existing terminal areas shall be situated as to avoid risk to environmentally sensitive areas and shall use a monobuoy system, unless an alternative type of system can be shown to be environmentally preferable for a specific site. Tanker facilities shall be designed to (1) minimize the total volume of oil spilled, (2) minimize the risk of collision from movement of other vessels, (3) have ready access to the most effective feasible containment and recovery equipment for oil spills, and (4) have onshore deballasting facilities to receive any fouled ballast water from tankers where operationally or legally required.

(Amended by Ch. 855, Stats. 1977.)

(Amended by Ch. 182, Stats. 1987.)

Section 30262

Oil and gas development shall be permitted in accordance with Section 30260, if the following conditions are met:

- (a) The development is performed safely and consistent with the geologic conditions of the well site.
- (b) New or expanded facilities related to such development are consolidated, to the maximum extent feasible and legally permissible, unless consolidation will have adverse environmental consequences and will not significantly reduce the number of producing wells, support facilities, or sites required to produce the reservoir economically and with minimal environmental impacts.
- (c) Environmentally safe and feasible subsea completions are used when drilling platforms or islands would substantially degrade coastal visual qualities unless use of such structures will result in substantially less environmental risks.
- (d) Platforms or islands will not be sited where a substantial hazard to vessel traffic might result from the facility or related operations, determined in consultation with the United States Coast Guard and the Army Corps of Engineers.
- (e) Such development will not cause or contribute to subsidence hazards unless it is determined that adequate measures will be undertaken to prevent damage from such subsidence.

(f) With respect to new facilities, all oilfield brines are reinjected into oil-producing zones unless the Division of Oil and Gas of the Department of Conservation determines to do so would adversely affect production of the reservoirs and unless injection into other subsurface zones will reduce environmental risks. Exceptions to reinjections will be granted consistent with the Ocean Waters Discharge Plan of the State Water Resources Control Board and where adequate provision is made for the elimination of petroleum odors and water quality problems.

Where appropriate, monitoring programs to record land surface and near-shore ocean floor movements shall be initiated in locations of new large-scale fluid extraction on land or near shore before operations begin and shall continue until surface conditions have stabilized. Costs of monitoring and mitigation programs shall be borne by liquid and gas extraction operators.

Section 30263

(a) New or expanded refineries or petrochemical facilities not otherwise consistent with the provisions of this division shall be permitted if (1) alternative locations are not feasible or are more environmentally damaging; (2) adverse environmental effects are mitigated to the maximum extent feasible; (3) it is found that not permitting such development would adversely affect the public welfare; (4) the facility is not located in a highly scenic or seismically hazardous area, on any of the Channel Islands, or within or contiguous to environmentally sensitive areas; and (5) the facility is sited so as to provide a sufficient buffer area to minimize adverse impacts on surrounding property.

(b) New or expanded refineries or petrochemical facilities shall minimize the need for once-through cooling by using air cooling to the maximum extent feasible and by using treated waste waters from inplant processes where feasible.

(Amended by Ch. 535, Stats. 1991)

Section 30264

Notwithstanding any other provision of this division, except subdivisions (b) and (c) of Section 30413, new or expanded thermal electric generating plants may be constructed in the coastal zone if the proposed coastal site has been determined by the State Energy Resources Conservation and Development Commission to have greater relative merit pursuant to the provisions of Section 25516.1 than available alternative sites and related facilities for an applicant's service area which have been determined to be acceptable pursuant to the provisions of Section 25516.

Section 30265

The Legislature finds and declares all of the following:

(a) Offshore oil production will increase dramatically in the next 10 years from the current 80,000 barrels per day to over 400,000 barrels per day.

(b) Transportation studies have concluded that pipeline transport of oil is generally both economically feasible and environmentally preferable to other forms of crude oil transport.

(c) Oil companies have proposed to build a pipeline to transport offshore crude oil from central California to southern California refineries, and to transport offshore oil to out-of-state refiners.

(d) California refineries would need to be retrofitted if California offshore crude oil were to be used directly as a major feedstock. Refinery modifications may delay achievement of air quality goals in the southern California air basin and other regions of the state.

(e) The County of Santa Barbara has issued an Oil Transportation Plan which assesses the environmental and economic differences among various methods for transporting crude oil from offshore California to refineries.

(f) The Governor should help coordinate decisions concerning the transport and refining of offshore oil in a manner which considers state and local studies undertaken to date, which fully addresses the concerns of all affected regions, and which promotes the greatest benefits to the people of the state.

(Added by Ch. 1398, Stats. 1984.)

Section 30265.5

(a) The Governor, or the Governor's designee, shall coordinate activities concerning the transport and refining of offshore oil. Coordination efforts shall consider public health risks, the ability to achieve short- and long-term air emission reduction goals, the potential for reducing California's vulnerability and dependence on oil imports, economic development and jobs, and other factors deemed important by the Governor, or the Governor's designees.

(b) The Governor, or the Governor's designee, shall work with state and local agencies, and the public, to facilitate the transport and refining of offshore oil in a manner which will promote the greatest public health and environmental and economic benefits to the people of the State.

(c) The Governor, or the Governor's designee, shall consult with any individual or organization having knowledge in this area, including, but not limited to, representatives from the following:

- (1) State Energy Resources Conservation and Development Commission.
- (2) State Air Resources Board.
- (3) California Coastal Commission
- (4) Department of Fish and Game.
- (5) State Lands Commission.
- (6) Public Utilities Commission.
- (7) Santa Barbara County.
- (8) Santa Barbara County Air Pollution Control District.
- (9) Southern California Association of Governments.
- (10) South Coast Air Quality Management Districts.
- (11) Oil industry.
- (12) Public interest groups.
- (13) United States Department of the Interior.
- (14) United States Department of Energy.

(15) United States Environmental Protection Agency.

(16) National Oceanic and Atmospheric Administration.

(17) United States Coast Guard.

(d) This act is not intended, and shall not be construed, to decrease, duplicate, or supersede the jurisdiction, authority, or responsibilities of any local government, or any state agency or commission, to discharge its responsibilities concerning the transportation and refining of oil.

(Added by Ch. 1398, Stats. 1984.)

CHAPTER 4

CREATION, MEMBERSHIP, AND POWERS OF COMMISSION AND REGIONAL COMMISSIONS

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CREATION, MEMBERSHIP OF COMMISSION AND REGIONAL COMMISSION

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ARTICLE I

CREATION, MEMBERSHIP OF COMMISSION AND REGIONAL COMMISSION

Section 30300

There is in the Resources Agency the California Coastal Commission.

(Amended by Ch. 676, Stats. 1980.)

(Amended by Ch. 1173, Stats. 1981.)

Section 30301

The commission shall consist of the following 16 members:

(a) The Secretary of the Resources Agency.

(b) The Secretary of the Business and Transportation Agency.

(c) The Secretary of Trade and Commerce.

(d) The Chairperson of the State Lands Commission.

(e) Six representatives of the public from the state at large. The Governor, the Senate Committee on Rules, and the Speaker of the Assembly shall each appoint two of these members.

(f) Six representatives selected from six coastal regions. The Governor shall select one member from the north coast region and one member from the south central coast region. The Speaker of the Assembly shall select one member from the central coast region and one member from the San Diego coast region. The Senate Committee on Rules shall select one member from the north central coast region and one member from the south coast region. For purposes of this division, these regions are defined as follows:

(1) The north coast region consists of the Counties of Del Norte, Humboldt, and Mendocino.

(2) The north central coast region consists of the Counties of Sonoma and Marin and the City and County of San Francisco.

(3) The central coast region consists of the Counties of San Mateo, Santa Cruz, and Monterey.

(4) The south central coast region consists of the Counties of San Luis Obispo, Santa Barbara, and Ventura.

(5) The south coast region consists of the Counties of Los Angeles and Orange.

(6) The San Diego coast region consists of the County of San Diego.

(Amended by Ch. 1087, Stats. 1980.)

(Amended by Ch. 285, Stats. 1991.)

(Amended by Ch. 1153, Stats. 1993.)

(Amended by Ch. 589, Stats. 1993.)

(Amended by Ch. 208, Stats. 1995.)

Section 30301.2

(a) The appointments of the Governor, the Senate Committee on Rules, and the Speaker of the Assembly, pursuant to subdivision (f) of Section 30301, shall be made as prescribed in this section. Within 45 days from the date of receipt of a request for nominations by the appointing authority, the board of supervisors and city selection committee of each county within the region shall nominate supervisors or city council members who reside in the region from which the Governor, the Senate Committee on Rules, or the Speaker of the Assembly shall appoint a replacement. In regions composed of three counties, the board of supervisors and the city selection committee in each county within the region shall each nominate one or more supervisors and one or more city council members. In regions composed of two counties, the board of supervisors and the city selection committee in each county within the region shall each nominate not less than two supervisors and not less than two city council members. In regions composed of one county, the board of supervisors and the city selection committee in the county shall each nominate not less than three supervisors and not less than three city council members. Immediately upon selecting the nominees, the board of supervisors and the city selection committee shall send the names of the nominees to either the Governor, the Senate Committee on Rules, or the Speaker of the Assembly, whoever will appoint the replacement.

(b) Within 30 days from the date of receipt of the names of the nominees pursuant to subdivision (a), the Governor, the Speaker of the Assembly, or the Senate Committee on Rules, whoever will appoint the replacement, shall either appoint one of the nominees or notify the boards of supervisors and city selection committees within the region that none of the nominees are acceptable and request the boards of supervisors and city selection committees to make additional nominations. Within 45 days from the date of receipt of a notice rejecting all the nominees, the boards of supervisors and city selection committees within the region shall nominate and send to the appointing authority the names of additional nominees in accordance with subdivision (a). Upon receipt of the names of those additional nominees, the appointing authority shall appoint one of the nominees.

(Amended by Ch. 285, Stats. 1991.)

(Amended by Ch. 162, Stats. 1997.)

Section 30301.5

Members of the commission serving under subdivision (a), (b), (c), or (d) of section 30301 shall be nonvoting members and may appoint a designee to serve at his or her pleasure who shall have all the powers and duties of the member pursuant to this division.

(Amended by Ch. 285, Stats. 1991.)

(Amended by Ch. 1153, Stats. 1993.)

Section 30302

(Repealed by Ch. 1173, Stats. 1981.)

Section 30303

(Repealed by Ch. 1173, Stats. 1981.)

Section 30304

Any member of the commission may, subject to the confirmation of his or her appointing power, appoint an alternate member to represent him or her at any commission meeting. An alternate may serve prior to confirmation for a period not to exceed 90 days from the date of appointment unless and until confirmation is specifically refused. The alternate shall serve at the pleasure of the member who appointed him or her and shall have all the powers and duties as a member of the commission, except that the alternate shall only participate and vote in meetings in the absence of the member who appointed him or her.

All provisions of law relating to conflicts of interest that are applicable to a member shall apply to an alternate member. Whenever a member has, or is known to have, a conflict of interest on any matter, the member's alternate is not eligible to vote on that matter.

(Amended by Ch. 879, Stats. 1978.)

(Amended by Ch. 285, Stats. 1991.)

Section 30304.5

(Repealed by Ch. 285, Stats. 1991.)

Section 30305

Except as otherwise provided in this division, the commission shall succeed to any and all obligations, powers, duties, responsibilities, benefits, or legal interests of regional coastal commissions which existed prior to July 1, 1981.

(Former Section 30305 was repealed by Ch. 1173, Stats. 1981; current section 30305 was added by Ch. 1173, Stats. 1981.)

ARTICLE 2

QUALIFICATIONS AND ORGANIZATION

Section 30310

(a) It is the intent of the Legislature to provide, to the maximum extent possible, for a smooth transition and continuity between the coastal program established by the California Coastal Zone Conservation Act of 1972 (commencing with Section 27000) and this division. Except with respect to appointments made pursuant to subdivision (e) of Section 30301, at least one-half of each of the commission and regional commission member appointments by the Governor, the Senate Rules Committee, and the Speaker of the Assembly shall be persons who on November 30, 1976, were serving as members of the California Coastal Zone Conservation Commission or regional coastal zone conservation commissions established by the California Coastal Zone Conservation Act of 1972 commencing with Section 27000), unless such persons are not available for such appointment.

(b) In making their appointments pursuant to this division, the Governor, the Senate Rules Committee, and the Speaker of the Assembly shall make good faith efforts to assure that their appointments, as a whole, reflect, to the greatest extent feasible, the economic, social, and geographic diversity of the state.

Section 30310.5

No provision of this division or any other law, including any doctrine of common law, shall preclude or prevent the appointment, as a public member, to the commission of any person who is not a locally elected official.

(Added by Ch. 1075, Stats. 1978.)

(Amended by Ch. 285, Stats. 1991.)

Section 30311

(Repealed by Ch. 1173, Stats. 1981.)

Section 30312

The terms of the office of commission members shall be as follows:

(a) Any person qualified for membership because he or she holds a specified office as a locally elected official shall serve at the pleasure of his or her selecting or appointing authority. However, the membership shall cease 60 days after his or her term of office as a locally elected official ceases, or when a person has been appointed to fill that position by the appropriate appointing authority, if that occurs sooner.

(b) Any member appointed by the Governor, the Senate Rules Committee, or the Speaker of the Assembly shall serve for two years at the pleasure of their appointing power, provided that the members may continue to serve beyond the two-year term until their appointing power has acted and the appointee is authorized to sit and serve on the commission. These members may be reappointed for succeeding two-year periods.

(Amended by Ch. 380 and Ch. 1075, Stats 1978.)

(Amended by Ch. 1469, Stats. 1982.)

Section 30313

(a) Vacancies that occur shall be filled within 30 days after the occurrence of the vacancy, and shall be filled in the same manner in which the vacating member was selected or appointed.

(b) The executive director of the commission shall notify the appropriate appointing authority of any expected vacancies on the commission. If the expected vacancy is a person qualified for membership because he or she holds a specified office as a locally elected official, whose term of office as a locally elected official is expected to expire or has expired, then the appointing authority shall notify the boards of supervisors and city selection committees of each county within the affected region of the expected vacancy.

(Amended by Ch. 1469, Stats. 1982.)

Section 30314

Except as provided in this section, members or alternates of the commission shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties to the extent that reimbursement for those expenses is not otherwise provided or payable by another public agency or agencies, and shall receive fifty dollars (\$50) for each full day of attending meetings of the commission. In addition, members or alternates of the commission shall receive twelve dollars and fifty cents (\$12.50) for each hour actually spent in preparation for a commission meeting; provided, however, that for each meeting no more than eight hours of preparation time shall be compensated as provided herein.

An alternate shall be entitled to payment and reimbursement for the necessary expenses incurred in participating in commission meetings; provided, however, that only the member or his or her alternate shall receive that payment and reimbursement, and if both the member and alternate prepare for, attend, and participate in any portion of a commission meeting, only the alternate shall be entitled to that payment and reimbursement.

For the purposes of this section, "full day of attending a meeting" means presence at, and participation in, not less than 60 percent of the total meeting time of the commission during any particular 24-hour period.

(Amended by Ch. 1075, Stats. 1978.)

(Amended by Ch. 462, Stats. 1986.)

(Amended by Ch. 285, Stats. 1991.)

(PLEASE NOTE: In 1986 Section 11564.5 was added to the Government Code to increase per diem rates for members of all boards, commissions, or committees to one hundred dollars (\$100) per day.)

Section 30315

The commission shall meet at least once a month at a place convenient to the public. All meetings of the commission shall be open to the public. A majority of the total appointed membership of the commission shall constitute a quorum. Any action taken by the commission under this division requires a majority vote of the members present at the meeting of the commission, with a quorum being present, unless otherwise specifically provided for in this division.

(Amended by Ch. 919, Stats. 1979.)

(Amended by Ch. 1087, Stats. 1980.)

(Amended by Ch. 43, Stats. 1982.)

Section 30315.1

Adoption of findings for any action taken by the commission requires a majority vote of the members from the prevailing side present at the meeting of the commission, with at least three of the prevailing members present and voting.

(Added by Ch. 1469, Stats. 1982.)

Section 30316

The commission shall elect a chairperson and vice chairperson from among its members.

(Amended by Ch. 285, Stats. 1991.)

Section 30317

The headquarters of the commission shall be in a coastal county, but it may meet and may exercise any or all of its powers in any part of the state. The commission may maintain regional offices, if it finds that accessibility to, and participation by, the public will be better served or that the provisions of this division can be implemented more efficiently through the maintenance of those offices.

(Amended by Ch. 285, Stats. 1991.)

Section 30318

Nothing in this division shall preclude or prevent any member or employee of the commission who is also an employee of another public agency, a county supervisor or city councilperson, member of the Association of Bay Area Governments, member of the Association of Monterey Bay Area Governments, delegate to the Southern California Association of Governments, or member of the San Diego Comprehensive Planning Organization, and who has in that designated capacity voted or acted upon a particular matter, from voting or otherwise acting upon that matter as a member or employee of the commission. Nothing in this section shall exempt any such member or employee of the commission from any other provision of this article.

(Amended by Ch. 285, Stats. 1991.)

Section 30319

Any person who applies to the commission for approval of a development permit shall provide the commission with the names and addresses of all persons who, for compensation, will be communicating with the commission or commission staff on the applicant's behalf or on behalf of the applicant's business partners. That disclosure shall be provided to the commission prior to any such communication. Failure to comply with that disclosure requirement is a misdemeanor and, upon conviction, the person shall be punished by a fine of five thousand dollars (\$5,000) or imprisonment in the county jail not exceeding six months, and, in addition, shall be subject to immediate denial of the permit.

(Added by Ch. 1114, Stats. 1992.)

(Amended Ch. 798, Stats. 1993.)

Section 30319.5

An applicant whose permit is denied due to his or her failure to comply with Section 30319 may not apply to the commission for approval of an identical or similar project for two years from the date of the permit denial.

(Added by Ch. 1114, Stats. 1992.)

ARTICLE 2.5.

FAIRNESS AND DUE PROCESS

Section 30320

(a) The people of California find and declare that the duties, responsibilities, and quasi-judicial actions of the commission are sensitive and extremely important for the well-being of current and future generations and that the public interest and principles of fundamental fairness and due process of law require that the commission conduct its affairs in an open, objective, and impartial manner free of undue influence and the abuse of power and authority. It is further found that, to be effective, California's coastal protection program requires public awareness, understanding, support, participation, and confidence in the commission and its practices and procedures. Accordingly, this article is necessary to preserve the public's welfare and the integrity of, and to maintain the public's trust in, the commission and the implementation of this division.

(b) The people of California further find that in a democracy, due process, fairness, and the responsible exercise of authority are all essential elements of good government which require that the public's business be conducted in public meetings, with limited exceptions for sensitive personnel matters and litigation, and on the official record. Reasonable restrictions are necessary and proper to prevent future abuses and misuse of governmental power so long as all members of the public are given adequate opportunities to present their views and opinions to the commission through written or oral communications on the official record either before or during the public hearing on any matter before the commission.

(Added by Ch. 1114, Stats. 1992.)

Section 30321

For purposes of this article, "a matter within the commission's jurisdiction" means any permit action, federal consistency review, appeal, local coastal program, port master plan, public works plan, long-range development plan, categorical or other exclusions from coastal development permit requirements, or any other quasi-judicial matter requiring commission action, for which an application has been submitted to the commission.

(Added by Ch. 1114, Stats. 1992.)

Section 30322

(a) For purposes of this article, except as provided in subdivision (b), an "ex parte communication" is any oral or written communication between a member of the commission and an interested person, about a matter within the commission's jurisdiction, which does not occur in a public hearing, workshop, or other official proceeding, or on the official record of the proceeding on the matter.

(b) The following communications are not ex parte communications:

(1) Any communication between a staff member acting in his or her official capacity and any commission member or interested person.

(2) Any communication limited entirely to procedural issues, including, but not limited to, the hearing schedule, location, format, or filing date.

(3) Any communication which takes place on the record during an official proceeding of a state, regional, or local agency that involves a member of the commission who also serves as an official of that agency.

(4) Any communication between a member of the commission, with regard to any action of another state agency or of a regional or local agency of which the member is an official, and any other official or employee of that agency, including any person who is acting as an attorney for the agency.

(5) Any communication between a nonvoting commission member and a staff member of a state agency where both the commission member and the staff member are acting in an official capacity.

(6) Any communication to a nonvoting commission member relating to an action pending before the commission, where the nonvoting commission member does not participate in that action, either through written or verbal communication, on or off the record, with other members of the commission.

(Added by Ch. 1114, Stats. 1992.)

(Amended by Ch. 798, Stats. 1993.)

Section 30323

For purposes of this article, an "interested person" is any of the following:

(a) Any applicant, an agent or an employee of the applicant, or a person receiving consideration for representing the applicant, or a participant in the proceeding on any matter before the commission.

(b) Any person with a financial interest, as described in Article 1 (commencing with Section 87100) of Chapter 7 of Title 9 of the Government Code, in a matter before the commission, or an agent or employee of the person with a financial interest, or a person receiving consideration for representing the person with a financial interest.

(c) A representative acting on behalf of any civic, environmental, neighborhood, business, labor, trade, or similar organization who intends to influence the decision of a commission member on a matter before the commission.

(Added by Ch. 1114, Stats. 1992.)

Section 30324

(a) No commission member, nor any interested person, shall conduct an ex parte communication unless the commission member fully discloses and makes public the ex parte communication by providing a full report of the communication to the executive director within seven days after the communication or, if the communication occurs within seven days of the next commission hearing, to the commission on the record of the proceeding at that hearing.

(b) (1) The commission shall adopt standard disclosure forms for reporting ex parte communications which shall include, but not be limited to, all of the following information:

(A) The date, time and location of the communication.

(B) The identity of the person or persons initiating and the person or persons receiving the communication.

(C) A complete description of the content of the communication, including the complete text of any written material that was a part of the communication.

(2) The executive director shall place in the public record any report of an ex parte communication.

(c) Communications shall cease to be ex parte communications when fully disclosed and placed in the commission's official record.

(Added by Ch. 1114, Stats. 1992.)
(Amended by Ch. 798, Stats. 1993.)

Section 30325

Nothing in this article prohibits any person or any interested person from testifying at a commission hearing, workshop, or other official proceeding, or from submitting written comments for the record on a matter before the commission. Written comments shall be submitted by mail or delivered to a commission office, or may be delivered to the commission at the time and place of a scheduled hearing.

(Added by Ch. 1114, Stats. 1992.)

Section 30326

Any person, including a commission member, may request the commission staff to conduct a workshop on any matter before the commission or on any subject that could be useful to the commission. When the executive director determines that a request is appropriate and feasible, a workshop shall be scheduled at an appropriate time and location.

(Added by Ch. 1114, Stats. 1992.)

Section 30327

(a) No Commission member or alternate shall make, participate in making, or any other way attempt to use his or her official position to influence a commission decision about which the member or alternate has knowingly had an ex parte communication that has not been reported pursuant to Section 30324.

(b) In addition to any other applicable penalty, including a civil fine imposed pursuant to Section 30824, a commission member who knowingly violates this section shall be subject to a civil fine, not to exceed seven thousand five hundred dollars (\$7,500). Notwithstanding any law to the contrary, the court may award attorney's fees and costs to the prevailing party.

(Added by Ch. 1114, Stats. 1992.)
(Amended by Ch. 798, Stats. 1993.)

Section 30328

If a violation of this article occurs and a commission decision may have been affected by the violation, an aggrieved person, as described in Section 30801, may seek a writ of mandate from a court requiring the commission to revoke its action and rehear the matter.

(Added by Ch. 1114, Stats. 1992.)

ARTICLE 3

POWERS AND DUTIES

Section 30330

The commission, unless specifically otherwise provided, shall have the primary responsibility for the implementation of the provisions of this division and is designated as the state coastal zone planning and management agency for any and all purposes, and may exercise any and all powers set forth in the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451, et seq.) or any amendment thereto or any other federal act heretofore or hereafter enacted that relates to the planning or management of the coastal zone.

In addition to any other authority, the commission may, except for a facility defined in Section 25110, grant or issue any certificate or statement required pursuant to any such federal law that an activity of any person, including any local, state, or federal agency, is in conformity with the provisions of this division. With respect to any project outside the coastal zone that may have a substantial effect on the resources within the jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with Section 66600) of the Government Code, and for which any certification is required pursuant to the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451, et seq.), such certification shall be issued by the Bay Conservation and Development Commission; provided, however, the commission may review and submit comments for any such project which affects resources within the coastal zone.

Section 30331

The Commission is designated the successor in interest to all remaining obligations, powers, duties, responsibilities, benefits, and interests of any sort of the California Coastal Zone Conservation Commission and of the six regional coastal zone conservation commissions established by the California Coastal Zone Conservation Act of 1972 (commencing with Section 27000).

Section 30333

Except as provided in Section 18930 of the Health and Safety Code, the commission may adopt or amend, by vote of a majority of the appointed membership thereof, rules and regulations to carry out the purposes and provisions of this division, and to govern procedures of the commission.

Except as provided in Section 18930 of the Health and Safety Code and paragraph (3) of subdivision (a) of Section 30620, these rules and regulations shall be adopted in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code. These rules and regulations shall be consistent with this division and other applicable law.

(Amended by Ch. 1152, Stats. 1979.)

(Amended by Ch. 1173, Stats. 1981.)

(Amended by Ch. 43, Stats. 1982.)

Section 30333.1

(a) The commission shall, within six months of the effective date of this section, review its regulations and procedures and determine what revisions, if any, are necessary and appropriate to simplify and expedite the review of any matter that is before the commission for action pursuant to this division. The commission shall, within 60 days thereafter, implement any such revisions it determines to be

appropriate, including, but not limited to, a simplified application form for development pursuant to which a permit could be issued pursuant to Section 30624 and procedures that allow reasonable rebuttal time prior to the final vote for both applicants and appellants, if either so requests, in permit matters where new factual material is brought up and where equity would not be served unless such person is provided that rebuttal opportunity.

(b) After the initial review required by this section has been completed, the commission shall thereafter periodically conduct similar reviews so that its regulations and procedures may continue to be as simple and expeditious as practicable.

(Added by Ch. 919, Stats. 1979.)

(Amended by Ch. 285, Stats. 1991.)

Section 30333.2

Notwithstanding any other provision of this code or of law and except as provided in the State Building Standards Law, Part 2.5 (commencing with Section 18900) of Division 13 of the Health and Safety Code, on and after January 1, 1980, the commission shall not adopt nor publish a building standard as defined in Section 18909 of the Health and Safety Code unless the provisions of Sections 18930, 18933, 18938, 18940, 18943, 18944, and 18945 of the Health and Safety Code are expressly excepted in the statute under which the authority to adopt rules, regulations, or orders is delegated. Any building standard adopted in violation of this section shall have no force or effect. Any building standard adopted before January 1, 1980, pursuant to this code and not expressly excepted by statute from those provisions of the State Building Standards Law shall remain in effect only until January 1, 1985, or until adopted, amended, or superseded by provisions published in the State Building Standards Code, whichever occurs sooner. Any building standard expressly required by a provision of federal law specifically requiring that building standard shall be adopted and published in the State Building Standards Code within the time required by federal law.

(Added by Ch. 1152, Stats. 1979.)

(Amended by Ch. 285, Stats. 1991.)

Section 30333.5

(Repealed by Ch. 1173, Stats. 1981.)

Section 30334

The commission may do the following:

(a) Contract for any private professional or governmental services, if the work or services cannot be satisfactorily performed by its employees.

(b) Sue and be sued. The Attorney General shall represent the commission in any litigation or proceeding before any court, board, or agency of the state or federal government.

(Amended by Ch. 285, Stats. 1991.)

Section 30334.5

In addition to the authority granted by Section 30334 the commission may apply for and accept grants, appropriations, and contributions in any form.

Section 30335

The commission shall appoint an executive director who shall be exempt from civil service and shall serve at the pleasure of his or her appointing power. The commission shall prescribe the duties and salaries of the executive director, and, consistent with applicable civil service laws, shall appoint and discharge any officer, house staff counsel, or employee of the commission as it deems necessary to carry out the provisions of this division.

(Amended by Ch. 1173, Stats. 1981.)

Section 30335.1

The commission shall provide for appropriate employees on the staff of the commission to assist applicants and other interested parties in connection with matters which are before the commission for action. The assistance rendered by those employees shall be limited to matters of procedure and shall not extend to advice on substantive issues arising out of the provisions of this division, such as advice on the manner in which a proposed development might be made consistent with the policies specified in Chapter 3 (commencing with Section 30200).

(Added by Ch. 919, Stats. 1979.)

(Amended by Ch. 285, Stats. 1991.)

Section 30335.5

(a) The commission shall, if it determines that it has sufficient resources, establish one or more scientific panels to review technical documents and reports and to give advice and make recommendations to the commission prior to making decisions requiring scientific expertise and analysis not available to the commission through its staff resources. It is the intent of the Legislature that the commission base any such technical decisions on scientific expertise and advice. The panel or panels may be composed of, but not limited to, persons with expertise and training in marine biology, fisheries, geology, coastal geomorphology, geographic information systems, water quality, hydrology, ocean and coastal engineering, economics, and social sciences.

(b) Members of a panel, while performing duties required by this division or by the commission, shall be entitled to the same rights and immunities granted public employees by Article 3 (commencing with Section 820) of Chapter 1 of Part 2 of Division 3.6 of Title 1 of the Government Code. Those rights and immunities shall attach to the member as of the date of appointment of the person to the panel.

(c) The commission is encouraged to seek funding from any appropriate public or private source, and may apply for and expend any grant or endowment funds, for the purposes of this section. Any funding made available to the commission for these purposes shall be reported to the fiscal committee of each house of the Legislature at the time the commission's budget is being formally reviewed.

(d) The commission is encouraged to utilize innovative techniques to increase effective communication between the commission and the scientific community, including the use of existing grant

programs and volunteers, in order to improve and strengthen the technical basis of its planning and regulatory decisions.

(Added by Ch. 965, Stats. 1992.)

Section 30336

The commission shall, to the maximum extent feasible, assist local governments in exercising the planning and regulatory powers and responsibilities provided for by this division where the local government elects to exercise those powers and responsibilities and requests assistance from the commission, and shall cooperate with and assist other public agencies in carrying out this division. Similarly, every public agency, including regional and state agencies and local governments, shall cooperate with the commission and shall, to the extent their resources permit, provide any advice, assistance, or information the commission may require to perform its duties and to more effectively exercise its authority.

(Amended by Ch. 285, Stats. 1991.)

Section 30337

The commission shall, where feasible, and in cooperation with the affected agency, establish a joint development permit application system and public hearing procedures with permit issuing agencies.

Section 30338

By May 1, 1977, the commission, after full consultation with the State Water Resources Control Board, shall adopt regulations for the timing of its review of proposed treatment works pursuant to the provisions of subdivision (c) of Section 30412.

Section 30339

The commission shall:

(a) Ensure full and adequate participation by all interested groups and the public at large in the commission's work program.

(b) Ensure that timely and complete notice of commission meetings and public hearings is disseminated to all interested groups and the public at large.

(c) Advise all interested groups and the public at large as to effective ways of participating in commission proceedings.

(d) Recommend to any local government preparing or implementing a local coastal program and to any state agency that is carrying out duties or responsibilities pursuant to this division, additional measures to assure open consideration and more effective public participation in its programs or activities.

(Amended by Ch. 714, Stats. 1981.)

(Amended by Ch. 285, Stats. 1991.)

Section 30340

The commission shall manage and budget any funds that may be appropriated, allocated, granted, or in any other way made available to the commission for expenditure.

(Amended by Ch. 285, Stats. 1991.)

(Amended by Ch. 589, Stats. 1993.)

Section 30340.5

(a) It is the policy of the state that no less than 50 percent of funds received by the state from the federal government pursuant to the Federal Coastal Zone Management Act of 1972 (16 U.S.C. Section 1451, et seq.), shall be used for the preparation, review, approval, certification, and implementation of local coastal programs.

(b) Any local government subject to this division may claim reimbursement of costs incurred as a direct result of the operation of or any requirement promulgated pursuant to this division. Notwithstanding any other provision of law, claims for reimbursement of mandated costs directly attributable to the operation of this division shall only be submitted, reviewed and approved in the manner set forth in this section.

(c) Claims pursuant to this section shall be submitted to the executive director of the commission no later than September 30. The executive director shall review the claims in accordance with the provisions of this section and shall submit all the claims to the Controller within 60 days after receipt of a claim but in no event later than November 30.

(d) All claims submitted pursuant to this section shall be filed on forms approved and prepared by the commission in consultation with the Controller. The forms shall specify the information needed to enable the executive director of the commission and the Controller to make the determinations required by subdivision (e). The forms shall clearly set forth information requirements for the evaluation of the following categories of costs:

(1) Costs for work relating to the preparation, review, and approval of local coastal programs or any portion thereof.

(2) Costs for work which is not covered by paragraph (1).

The claim forms required by this section shall provide for claims of actual costs incurred during the fiscal year preceding submittal and for the costs the claimant local government estimates will be incurred during the then current fiscal year.

(e) The executive director shall review and evaluate each claim submitted pursuant to this section and shall determine whether:

(1) The costs claimed are not paid for or reimbursed from any other source of state or federal funding.

(2) The costs are for work which is the direct result of and is mandated by the operation of this division or by the commission or whether the work is optional.

(3) With respect to costs specified in paragraph (1) of subdivision (d), the work done or to be done is reasonable and necessary for the preparation and approval of a local coastal program pursuant to a local coastal program work program approved by the commission, or for work which is not part of an approved work program if the work can be shown to be necessary for the completion of a certifiable local coastal

program or if new information or other circumstances cause the commission to require that the work be carried out.

(f) The executive director of the commission shall submit to the Controller, on behalf of each claimant local government, all claims submitted pursuant to this section together with his or her recommendation whether the Controller should allow or deny, in whole or in part, the claim. The executive director's recommendation shall be based on his or her determinations made pursuant to subdivision (e). If the executive director fails to make a recommendation by the time claims are required to be submitted to the Controller as provided in subdivision (c), the executive director is deemed to have recommended approval of the claim.

(g) Section 2231 of the Revenue and Taxation Code shall apply to claims filed pursuant to this section. However, where a conflict between Section 2231 of the Revenue and Taxation Code and this section occurs, the conflict shall be resolved in a manner that best carries out the purposes of this section. The Controller shall apply the criteria of subdivision (e) in determining whether to allow or deny, in whole or in part, any claim and shall consider the recommendations of the executive director of the commission.

(Added by Ch. 1075, Stats. 1978.)

(Supplemented by Ch. 1109 and Ch. 1128, Stats. 1979.)

(Amended by Ch. 714, Stats. 1981.)

Section 30340.6

(a) It is the intent of the Legislature that all costs mandated by the operation of this division be paid either with state or federal funds or both. The Legislature hereby declares that Section 30340.5 is designed to ensure that local governments are paid for legitimate claims for costs mandated by this division or the commission, costs for work which is not optional, and costs which are not otherwise reimbursed.

(b) In the event a claimed mandated cost has been approved by the Controller pursuant to Section 30340.5 and the Legislature fails to appropriate the funds to pay such claims by special legislation or in the annual state budget for the fiscal year following approval of such claims by the Controller, except the date specified in Section 30518, any dates specified in this division or by order of the commission for the submission of a local coastal program or any portion thereof or for the performance of any task or duty by a claimant local government whose approved claim has not been paid shall, at the request of such claimant local government, be postponed by the number of years elapsing between such specified date and the year in which the funds to pay the approved claim are provided.

(c) The provisions of subdivision (b) shall not apply to any local government if the Legislature determines that such local government's claim should not be paid because such claim is not of the type intended to be subject to reimbursement pursuant to Section 30340.5.

(Added by Ch. 1075, Stats. 1978.)

(Supplemented by Ch. 1109 and Ch. 1128, Stats. 1979.)

Section 30341

The commission may prepare and adopt any additional plans and maps and undertake any studies it determines to be necessary and appropriate to better accomplish the purposes, goals, and policies of this division; provided, however, that the plans and maps shall only be adopted after public hearing.

(Amended by Ch. 285, Stats. 1991.)

Section 30342

The commission shall evaluate progress being made toward implementation of the provisions of this division and shall submit a report to the Governor and Legislature on January 1st of every other year, commencing on January 1, 1979.

Section 30343

(a) The Legislature finds that scientific studies and technical data relevant to resources located within the coastal zone and the Outer Continental Shelf are often fragmented, uncoordinated, and stored in widely dispersed places. The Legislature hereby finds and declares that in order to provide state and local government agencies with integrated, coordinated studies and data widely needed to carry out consistency review in regard to the federal Outer Continental Shelf oil leasing policies and programs and for local governments to implement their local coastal programs, it is necessary to provide a central storage and clearinghouse facility.

(b) The commission shall, not later than July 1, 1984, establish a coastal resource information center. The center shall develop a pilot program that will do the following:

- (1) Store existing studies and data pertaining to marine, estuarine, and terrestrial environments.
- (2) Integrate and coordinate the material to provide a referral service for ongoing studies and a data base for policy decisions.
- (3) Carry out those functions through the use of an automated data storage and retrieval system, tying in with existing compatible systems.

(c) The center shall produce reports free of charge, where feasible, and where it is not feasible, at a reasonable cost, to any governmental agency, and at a reasonable cost to members of the private sector, in order to further the wise use of all relevant knowledge and to avoid costly duplication of studies and data gathering.

(d) The commission shall utilize innovative techniques for the establishment of the center. To this end, the commission is encouraged to enlist the voluntary assistance of private and public organizations with appropriate expertise. In addition, the commission shall seek grants from private and public institutions to augment its limited funding.

(Added by Ch. 1470, Stats. 1982.)

Section 30344

(a) The Legislature hereby finds and declares that the coastal zone is one of its most precious natural resources, rich in diversity of living and nonliving resources and in the wide range of opportunities it provides for the use and conservation by the people of this state and nation. The Legislature further finds that, in order to promote the wise use of coastal resources for, among other things, recreation, habitat conservation, educational, and scientific study, the production of food and fiber, residential purposes, and economic growth, it is necessary to provide the public with an informative and educational guide to coastal resources.

(b) The commission shall, not later than July 1, 1984, prepare a guide to coastal resources. The guide shall include, but not be limited to, the following components:

(1) An inventory of the natural resources which are of environmental, social, economic, and educational importance to the public. The inventory shall include a description of the resources, their location, and their significance to the people and the natural environment.

(2) An inventory of manmade resources of cultural, historic, economic, and educational importance to the public. The inventory shall focus on those resources which, by virtue of their location in or near the coastal zone, take on a special character or which, because of their nature, require a coastal location. The inventory shall include a description of the resource and any historic, educational, and technical notes of interest.

(3) A listing of public and private entities having responsibility for the planning, management, use, and restoration of the coastal resources and how interested persons can contact those entities for further information about their projects and programs.

The purpose of this guide shall be to contribute to a better understanding by the public of the importance of coastal resources, both to the quality of life for people and to the maintenance of a healthy and productive natural environment. The guide shall be sensitive to the need for a balanced approach to the conservation and use of coastal resources, to the rights and responsibilities of individuals and the public in the protection and use of these resources, and the need to limit human use of some resources in order to avoid their degradation or destruction. The guide shall not be a policy guide, but rather it shall be an educational tool to increase the public understanding and appreciation of the value of California's coastal resources.

(c) The commission shall utilize innovative techniques for the preparation, production, and distribution of the guide so as to minimize costs to the public. To this end, the commission is encouraged to enlist the voluntary assistance of private and public organizations with appropriate expertise. In addition, the commission shall seek grants from private and public institutions to augment its limited funding.

Notwithstanding Section 14850 of the Government Code or any other provision of law, the commission may contract for the production of this guide with any public or private entity in order to meet the objective of this section.

(d) The guide shall be written and illustrated so as to be easily understood by the general public and shall be set forth in a format that ensures its usefulness.

(e) The guide shall be made available to the public at a reasonable cost.

(Added by Ch. 1470, Stats. 1982.)

ARTICLE 4

LOCAL COASTAL PROGRAM IMPLEMENTATION COSTS

Section 30350

(a) It is the policy of the state that local governments be paid their legitimate costs, from either state or federal funds, for the implementation of certified local coastal programs; provided, however, that such payment shall only be available for those costs directly attributable to the operation of a certified local coastal program and which costs would not have been incurred but for such local coastal program and which costs are not of a nature which would normally be incurred by such local government in carrying out its land use planning and regulatory responsibilities pursuant to any provision of law other than this division.

(b) Notwithstanding any other provision of law to the contrary, claims for payment of costs directly attributable to the operation and implementation of a certified local coastal program shall only be submitted, reviewed, and approved in the manner set forth in, and pursuant to the provisions of, this article.

(c) The provisions of this article are intended to establish a procedure that ensures the orderly and carefully monitored expenditure of limited public funds for payment of such costs, the incurring of which is hereby recognized as being in the interest of all the people of this state because they carry out state policies for the wise, long-term conservation and use of coastal resources.

(Added by Ch. 919, Stats. 1979.)

Section 30351

The commission shall, not later than July 1, 1980, prepare and adopt procedures for the issuance and management of local coastal program implementation grants. The purpose of the grants program is to provide, to the extent funds are available, financial assistance for local governments and, in cases the commission deems appropriate, other public agencies to carry out certified local coastal programs. The procedures required by this section shall specify, consistent with the criteria set forth in subdivision (a) of Section 30350, the categories of expenditures eligible for implementation grants and shall include procedures for application, review, approval, and disbursement of grant funds.

(Added by Ch. 1075, Stats. 1978.)

(Supplemented by Ch. 1109 and Ch. 1128, Stats. 1979.)

Section 30352

(a) Any local government carrying out its certified local coastal programs may, upon the delegation of the development review authority pursuant to Section 30519, claim reimbursement of costs incurred for the implementation of such local coastal program if costs have not been provided in an implementation grant issued pursuant to Section 30351.

(b) Claims made pursuant to this article shall be submitted to the executive director of the commission not later than September 30 immediately following the fiscal year during which the claimed costs were incurred. The executive director shall review such claims in accordance with the provisions of this article and shall submit all such claims to the Controller within 60 days after receipt of a claim, but in no event later than November 30.

(c) All claims submitted pursuant to this section shall be filed on forms approved and prepared by the commission in consultation with the Controller. Such forms shall specify the information needed to enable the executive director of the commission and the Controller to make the determinations required by Section 30353. The claim forms required by this section shall provide for claims of actual costs incurred during the fiscal year preceding submittal and for the costs the claimant local government estimates will be incurred during the then-current fiscal year.

(Added by Ch. 919, Stats. 1979.)

Section 30353

Payment for costs claimed pursuant to this article shall be made only for costs which, but for the operation of a certified local coastal program, would not have been incurred by the claimant local government and if the following criteria are met:

(a) Costs for establishing a regulatory program to implement a certified local coastal program, including costs for the preparation and printing of public information materials, application forms, establishing new procedures, and staff training are payable. The costs specified in this subdivision include initial startup costs incurred over a period not to exceed one year from the date a certified local coastal program has been adopted for implementation by the appropriate local government.

(b) A fixed payment not to exceed ten dollars (\$10) per permit application for any development subject to a certified local coastal program may be claimed and paid. The payment specified in this subdivision is intended to cover general costs, including costs for public notice, notice and submittal of files to the commission, and appearances before the commission.

(c) Other costs of processing and reviewing coastal development permits pursuant to a certified local coastal program shall normally not be eligible for reimbursement because these types of activities should either be incorporated within the routine regulatory process of the local government or, at the discretion of such local government, be paid for from reasonable permit fees. A local government may, however, request payment for increased regulatory costs if it can show that either or both of the following special circumstances apply within its jurisdiction:

(1) In jurisdictions with a population of less than 10,000, the existing regulatory program of the local government is not capable of processing and reviewing additional coastal development permits pursuant to a certified local coastal program and where such increased costs could not reasonably be expected to be covered by permit fees.

(2) The regulatory program included in a certified local coastal program requires the discharge of resource management functions that exceed the level of regulatory review normally required or undertaken by the local government.

(d) Costs for enforcement of regulatory requirements that are directly related to local coastal program implementation, such as ensuring compliance with coastal development permit terms and conditions, are payable, if the enforcement activities are not of a type routinely undertaken or of a type required by law as part of the affected local government's normal regulatory responsibilities.

(e) Litigation costs which, but for the operation of a certified local coastal program, would not have been incurred may be paid. Where an action is brought against a local government and such action states as a principal cause of action the operation of such local government's local coastal program and the local government prevails in such action, litigation costs may be paid to the extent such costs are not assessed against the party bringing the action. Where the local government loses such action primarily on grounds it has failed to properly carry out its certified local coastal program, litigation costs shall not be paid.

(f) If additional planning is required by the commission as a condition of its certification of any local coastal program, costs for such additional planning are payable.

(Added by Ch. 919, Stats. 1979.)

(Amended by Ch. 1087, Stats. 1980.)

Section 30354

(a) The executive director of the commission shall review and evaluate each claim submitted pursuant to this article and shall determine whether:

(1) The costs claimed meet the requirements of this article.

(2) The costs claimed are not paid for or reimbursed from any other source of state or federal funding.

(3) The claimed costs are reasonable for the implementation of a certified local coastal program.

(b) The executive director of the commission shall submit to the Controller, on behalf of each claimant local government, all claims submitted pursuant to this section together with his or her recommendation whether the Controller should allow or deny, in whole or in part, the claim. A copy of each claim shall also be sent to the claimant local government at the time such claim is submitted to the Controller. The executive director's recommendation shall be based on his or her determinations made pursuant to this article. If the executive director fails to make a recommendation by the time claims are required to be submitted to the Controller, as provided in subdivision (b) of Section 30352, the executive director shall be deemed to have recommended approval of the claim.

(c) The provisions of Section 2231 of the Revenue and Taxation Code shall apply to claims filed pursuant to this article; provided, however, that where a conflict between Section 2231 of the Revenue and Taxation Code and this article occurs, such conflict shall be resolved in a manner that best carries out the purposes of this article. The Controller shall apply the criteria of this article in determining whether to allow or deny, in whole or in part, any such claim and shall consider the recommendations of the executive director of the commission.

(Added by Ch. 919, Stats. 1979.)

Section 30355

As used in this article, "certified local coastal program" means any portion of a local coastal program that has been certified.

(Added by Ch. 919, Stats. 1979.)

CHAPTER 5

STATE AGENCIES

ARTICLE 1 GENERAL

Section

- 30400 Legislative intent
- 30401 Effect on existing state agencies; duplication of regulatory controls
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ARTICLE 2 STATE AGENCIES

Section

- 30410 San Francisco Bay Conservation and Development Commission; ports
- 30411 Department of Fish and Game; Fish and Game Commission; management programs; wetlands
- 30412 State Water Resources Control Board and regional water quality control boards
- 30413 State Energy Resources Conservation and Development Commission
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- 30415 Director of Office of Planning and Research
- 30416 State Lands Commission
- 30417 State Board of Forestry
- 30418 Division of Oil and Gas
- 30419 Boating Facilities
- 30420 Hazardous substance disposal, consulting other agencies

ARTICLE I

GENERAL

Section 30400

It is the intent of the Legislature to minimize duplication and conflicts among existing state agencies carrying out their regulatory duties and responsibilities.

In the absence of a specific authorization set forth in this division or any other provisions of law or in an agreement entered into with the commission, no state agency, including the Office of Planning and Research, shall exercise any powers or carry out any duties or responsibilities established by this division or by the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) or any amendment thereto. The Director of the Office of Planning and Research shall in carrying out his or her duties as set forth in Section 30415, ensure that the provisions of this section are carried out.

(Amended by Ch. 323, Stats. 1983.)

Section 30401

Except as otherwise specifically provided in this division, enactment of this division does not increase, decrease, duplicate or supersede the authority of any existing state agency.

This chapter shall not be construed to limit in any way the regulatory controls over development pursuant to Chapters 7 (commencing with Section 30600) and 8 (commencing with Section 30700), except that the commission shall not set standards or adopt regulations that duplicate regulatory controls established by any existing state agency pursuant to specific statutory requirements or authorization.

(Amended by Ch. 285, Stats. 1991.)

Section 30402

All state agencies shall carry out their duties and responsibilities in conformity with this division.

Section 30403

It is the intent of the Legislature that the policies of this division and all local coastal programs prepared pursuant to Chapter 6 (commencing with Section 30500) should provide the common assumptions upon which state functional plans for the coastal zone are based in accordance with the provisions of Section 65036 of the Government Code.

Section 30404

(a) The commission shall periodically, in the case of the State Energy Resources Conservation and Development Commission, the State Board of Forestry and Fire Protection, the State Water Resources Control Board and the California regional water quality control boards, the State Air Resources Board and air pollution control districts and air quality management districts, the Department of Fish and Game, the Department of Parks and Recreation, the Department of Boating and Waterways, the Division of Mines and Geology and the Division of Oil, Gas, and Geothermal Resources in the Department of Conservation, and the State Lands Commission, and may, with respect to any other state agency, submit recommendations designed to encourage the state agency to carry out its functions in a manner consistent with this division. The recommendations may include proposed changes in administrative regulations, rules, and statutes.

(b) Each of those state agencies shall review and consider the commission recommendations and shall, within six months from the date of their receipt, to the extent that the recommendations have not been implemented, report to the Governor and the Legislature its action and reasons therefor. The report shall also include the state agency's comments on any legislation that may have been proposed by the commission.

(Amended by Ch. 427, Stats. 1992.)

(Amended by Ch. 972, Stats. 1998.)

ARTICLE 2

STATE AGENCIES

Section 30410

(a) The commission and the San Francisco Bay Conservation and Development Commission shall conduct a joint review of this division and Title 7.2 (commencing with Section 66600) of the Government Code to determine how the program administered by the San Francisco Bay Conservation and Development Commission shall be related to this division. Both commissions shall jointly present their recommendations to the Legislature not later than July 1, 1978.

(b) It is the intent of the Legislature that the ports under the jurisdiction of the San Francisco Bay Conservation and Development Commission, including the Ports of San Francisco, Oakland, Richmond, Redwood City, Encinal Terminals, and Benecia, should be treated no less favorably than the ports under the jurisdiction of the commission covered in Chapter 8 (commencing with Section 30700) under the terms of any legislation which is developed pursuant to such study.

Section 30411

(a) The Department of Fish and Game and the Fish and Game Commission are the principal state agencies responsible for the establishment and control of wildlife and fishery management programs and the commission shall not establish or impose any controls with respect thereto that duplicate or exceed regulatory controls established by these agencies pursuant to specific statutory requirements or authorization.

(b) The Department of Fish and Game, in consultation with the commission and the Department of Boating and Waterways, may study degraded wetlands and identify those which can most feasibly be restored in conjunction with development of a boating facility as provided in subdivision (a) of Section 30233. Any such study shall include consideration of all of the following:

(1) Whether the wetland is so severely degraded and its natural processes so substantially impaired that it is not capable of recovering and maintaining a high level of biological productivity without major restoration activities.

(2) Whether a substantial portion of the degraded wetland, but in no event less than 75 percent, can be restored and maintained as a highly productive wetland in conjunction with a boating facilities project.

(3) Whether restoration of the wetland's natural values, including its biological productivity and wildlife habitat features, can most feasibly be achieved and maintained in conjunction with a boating facility or whether there are other feasible ways to achieve such values.

(c) The Legislature finds and declares that salt water or brackish water aquaculture is a coastal-dependent use which should be encouraged to augment food supplies and to further the policies set forth in Chapter 4 (commencing with Section 825) of Division 1. The Department of Fish and Game may identify coastal sites it determines to be appropriate for aquaculture facilities. If the department identifies these sites, it shall transmit information identifying the sites to the commission and the relevant local government agency. The commission, and where appropriate, local governments shall, consistent with the coastal planning requirements of this division, provide for as many coastal sites identified by the Department of Fish and Game for any uses that are consistent with the policies of Chapter 3 (commencing with Section 30200) of this division.

(d) Any agency of the state owning or managing land in the coastal zone for public purposes shall be an active participant in the selection of suitable sites for aquaculture facilities and shall make the land available for use in aquaculture when feasible and consistent with other policies of this division and other provision of law.

(e) The Department of Fish and Game shall, in consultation with the Aquaculture Development Committee, prepare programmatic environmental impact reports for existing and potential commercial aquaculture operations in both coastal and inland areas of the state if both of the following conditions are met:

(1) Funds are appropriated to the department for this purpose.

(2) Matching funds are provided by the aquaculture industry.

(Amended by Ch. 187, Stats. 1979.)

(Amended by Ch. 1486, Stats. 1982.)

(Amended by Ch. 1300, Stats. 1983.)

(Amended by Ch. 285, Stats. 1991.)

(Amended by Ch. 810, Stats. 1995.)

Section 30412

(a) In addition to Section 13142.5 of the Water Code, this section shall apply to the commission and the State Water Resources Control Board and the California regional water quality control boards.

(b) The State Water Resources Control Board and the California regional water quality control boards are the state agencies with primary responsibility for the coordination and control of water quality. The State Water Resources Control Board has primary responsibility for the administration of water rights pursuant to applicable law. The commission shall assure that proposed development and local coastal programs shall not frustrate this section. The commission shall not, except as provided in subdivision (c), modify, adopt conditions, or take any action in conflict with any determination by the State Water Resources Control Board or any California regional water quality control board in matters relating to water quality or the administration of water rights.

Except as provided in this section, nothing herein shall be interpreted in any way either as prohibiting or limiting the commission, local government, or port governing body from exercising the regulatory controls over development pursuant to this division in a manner necessary to carry out this division.

(c) Any development within the coastal zone or outside the coastal zone which provides service to any area within the coastal zone that constitutes a treatment work shall be reviewed by the commission and any permit it issues, if any, shall be determinative only with respect to the following aspects of the development:

(1) The siting and visual appearance of treatment works within the coastal zone.

(2) The geographic limits of service areas within the coastal zone which are to be served by particular treatment works and the timing of the use of capacity of treatment works for those service areas to allow for phasing of development and use of facilities consistent with this division.

(3) Development projections which determine the sizing of treatment works for providing service within the coastal zone.

The commission shall make these determinations in accordance with the policies of this division and shall make its final determination on a permit application for a treatment work prior to the final approval by the State Water Resources Control Board for the funding of such treatment works. Except as specifically provided in this subdivision, the decisions of the State Water Resources Control Board relative to the construction of treatment works shall be final and binding upon the commission.

(d) The commission shall provide or require reservations of sites for the construction of treatment works and points of discharge within the coastal zone adequate for the protection of coastal resources consistent with the provisions of this division.

(e) Nothing in this section shall require the State Water Resources Control Board to fund or certify for funding, any specific treatment works within the coastal zone or to prohibit the State Water Resources Control Board or any California regional water quality control board from requiring a higher degree of treatment at any existing treatment works.

(Amended by Ch. 285, Stats. 1991.)

Section 30413

(a) In addition to the provisions set forth in subdivision (f) of Section 30241, and in Sections 25302, 25500, 25507, 25508, 25510, 25514, 25516.1, 25523, and 25526, the provisions of this section shall apply to the commission and the State Energy Resources Conservation and Development Commission with respect to matters within the statutory responsibility of the latter.

(b) The commission shall, prior to January 1, 1978, and after one or more public hearings, designate those specific locations within the coastal zone where the location of a facility as defined in Section 25110 would prevent the achievement of the objectives of this division; provided, however, that specific locations that are presently used for such facilities and reasonable expansion thereof shall not be so designated. Each such designation shall include a description of the boundaries of those locations, the objectives of this division which would be so affected, and detailed findings concerning the significant adverse impacts that would result from development of a facility in the designated area. The commission shall consider the conclusions, if any, reached by promulgated comprehensive report issued pursuant to Section 25309. The commission shall transmit a copy of its report prepared pursuant to this subdivision to the State Energy Resources Conservation and Development Commission.

(c) The commission, after it completes its initial designations in 1978, shall, prior to January 1, 1980, and once every two years thereafter until January 1, 1990, revise and update the designations specified in subdivision (b). After January 1, 1990, the commission shall revise and update those designations not less than once every five years. Those revisions shall be effective on January 1, 1980, or on January 1 of the year following adoption of the revisions. The provisions of subdivision (b) shall not apply to any sites and related facilities specified in any notice of intention to file an application for certification filed with the State Energy Resources Conservation and Development Commission pursuant to Section 25502 prior to designation of additional locations made by the commission pursuant to this subdivision.

(d) Whenever the State Energy Resources Conservation and Development Commission exercises its siting authority and undertakes proceedings pursuant to the provisions of Chapter 6 (commencing with Section 25500) of Division 15 with respect to any thermal powerplant or transmission line to be located, in whole or in part, within the coastal zone, the commission shall participate in those proceedings and shall receive from the State Energy Resources Conservation and Development Commission any notice of intention to file an application for certification of a site and related facilities within the coastal zone. The commission shall analyze each notice of intention and shall, prior to completion of the preliminary report required by Section 25510, forward to the State Energy Resources Conservation and Development

Commission a written report on the suitability of the proposed site and related facilities specified in that notice. The commission's report shall contain a consideration of, and findings regarding, all of the following:

(1) The compatibility of the proposed site and related facilities with the goal of protecting coastal resources.

(2) The degree to which the proposed site and related facilities would conflict with other existing or planned coastal-dependent land uses at or near the site.

(3) The potential adverse effects that the proposed site and related facilities would have on aesthetic values.

(4) The potential adverse environmental effects on fish and wildlife and their habitats.

(5) The conformance of the proposed site and related facilities with certified local coastal programs in those jurisdictions which would be affected by any such development.

(6) The degree to which the proposed site and related facilities could reasonably be modified so as to mitigate potential adverse effects on coastal resources, minimize conflict with existing or planned coastal-dependent uses at or near the site, and promote the policies of this division.

(7) Such other matters as the commission deems appropriate and necessary to carry out this division.

(e) The commission may, at its discretion, participate fully in other proceedings conducted by the State Energy Resources Conservation and Development Commission pursuant to its powerplant siting authority. In the event the commission participates in any public hearings held by the State Energy Resources Conservation and Development Commission, it shall be afforded full opportunity to present evidence and examine and cross-examine witnesses.

(f) The State Energy Resources Conservation and Development Commission shall forward a copy of all reports it distributes pursuant to Sections 25302 and 25306 to the commission and the commission shall, with respect to any report that relates to the coastal zone or coastal zone resources, comment on those reports, and shall in its comments include a discussion of the desirability of particular areas within the coastal zone as designated in such reports for potential powerplant development. The commission may propose alternate areas for powerplant development within the coastal zone and shall provide detailed findings to support the suggested alternatives.

(Amended by Ch. 1013 and Ch. 1075, Stats. 1978.)

(Amended by Ch. 1031, Stats. 1991.)

Section 30414

(a) The State Air Resources Board and air pollution control districts established pursuant to state law and consistent with requirements of federal law are the principal public agencies responsible for the establishment of ambient air quality and emission standards and air pollution control programs. The provisions of this division do not authorize the commission or any local government to establish any ambient air quality standard or emission standard, air pollution control program or facility, or to modify any ambient air quality standard, emission standard, or air pollution control program or facility which has been established by the state board or by an air pollution control district.

(b) Any provision of any certified local coastal program which establishes or modifies any ambient air quality standard, any emission standard, any air pollution control program or facility shall be inoperative.

(c) The State Air Resources Board and any air pollution control district may recommend ways in which actions of the commission or any local government can complement or assist in the implementation of established air quality programs.

(Amended by Ch. 1246, Stats. 1982.)

Section 30415

The Director of the Office of Planning and Research shall, in cooperation with the commission and other appropriate state agencies, review the policies of this division. If the director determines that effective implementation of any policy requires the cooperative and coordinated efforts of several state agencies, he shall, no later than July 1, 1978 and from time to time thereafter, recommend to the appropriate agencies actions that should be taken to minimize potential duplication and conflicts and which could, if taken, better achieve effective implementation of such policy. The director shall, where appropriate and after consultation with the affected agency, recommend to the Governor and the Legislature how the programs, duties, responsibilities, and enabling legislation of any state agency should be changed to better achieve the goals and policies of this division.

Section 30416

(a) The State Lands Commission, in carrying out its duties and responsibilities as the state agency responsible for the management of all state lands, including tide and submerged lands, in accordance with the provisions of Division 6 (commencing with Section 6001), shall, prior to certification by the commission pursuant to Chapters 6 (commencing with Section 30500) and 8 (commencing with Section 30700) review, and may comment on any proposed local coastal program or port master plan that could affect state lands.

(b) No power granted to any local government, port governing body, or special district, under this division, shall change the authority of the State Lands Commission over granted or ungranted lands within its jurisdiction or change the rights and duties of its lessees or permittees.

(c) Boundary settlements between the State Lands Commission and other parties and any exchanges of land in connection therewith shall not be a development within the meaning of this division.

(d) Nothing in this division shall amend or alter the terms and conditions in any legislative grant of lands, in trust, to any local government, port governing body, or special district; provided, however, that any development on such granted lands shall, in addition to the terms and conditions of such grant, be subject to the regulatory controls provided by Chapters 7 (commencing with Section 30600) and 8 (commencing with Section 30700).

Section 30417

(a) In addition to the provisions set forth in Section 4551.5, this section shall apply to the State Board of Forestry and Fire Protection.

(b) Within 180 days after January 1, 1977, the commission shall identify special treatment areas within the coastal zone to ensure that natural and scenic resources are adequately protected. The commission shall forward to the State Board of Forestry and Fire Protection maps of the designated special treatment areas together with specific reasons for those designations and with recommendations designed to assist the State Board of Forestry and Fire Protection in adopting rules and regulations that adequately protect the natural and scenic qualities of such special treatment areas.

(Amended by Ch. 972, Stats. 1998.)

Section 30418

(a) Pursuant to Division 3 (commencing with Section 3000), the Division of Oil and Gas of the Department of Conservation is the principal state agency responsible for regulating the drilling, operation, maintenance, and abandonment of all oil, gas, and geothermal wells in the state. Neither the commission, local government, port governing body, or special district shall establish or impose such regulatory controls that duplicate or exceed controls established by the Division of Oil and Gas pursuant to specific statutory requirements or authorization.

This section shall not be construed to limit in any way, except as specifically provided, the regulatory controls over oil and gas development pursuant to Chapters 7 (commencing with Section 30600) and 8 (commencing with Section 30700).

(b) The Division of Oil and Gas of the Department of Conservation shall cooperate with the commission by providing necessary data and technical expertise regarding proposed well operations within the coastal zone.

(Amended by Ch. 285, Stats. 1991.)

Section 30419

The Department of Boating and Waterways is the principal state agency for evaluating the economic feasibility of any boating facility to be developed within the coastal zone.

If the economic viability of a boating facility becomes an issue in a coastal development permit matter or in a local coastal program or any amendment thereto, the commission shall request the Department of Boating and Waterways to provide comment, including, but not limited to, the analysis of costs associated with conditions of approval. In cases where the Department of Boating and Waterways desires to make any comment, it shall be made within 30 days of the commission's request. The commission shall include the comment in its decision regarding a coastal development permit or local coastal program or any amendment thereto.

(Added by Ch. 824, Stats. 1983.)

Section 30420

Prior to taking any action on (1) a local coastal program or any amendment thereto, (2) any coastal development permit, or (3) any consistency determination or certification, which relates to the disposal of hazardous substances at sea, the commission shall consult with the following governmental entities:

- (a) Department of Toxic Substances Control.
- (b) State Lands Commission.
- (c) State Air Resources Board and relevant air pollution control districts or air quality management districts.
- (d) Department of Fish and Game.
- (e) State Water Resources Control Board and relevant California regional water quality control boards.
- (f) Secretary for Environmental Protection.
- (g) Governor's Office of Planning and Research.
- (h) The local government located closest to the proposed activity, or within whose jurisdiction the activity is proposed, or within whose jurisdiction there may be effects of the proposed activity.

(Added by Ch. 465, Stats. 1986.)

(Amended by GRP 1, of 1991.)

CHAPTER 6

IMPLEMENTATION

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ARTICLE I

LOCAL COASTAL PROGRAM

Section 30500

(a) Each local government lying, in whole or in part, within the coastal zone shall prepare a local coastal program for that portion of the coastal zone within its jurisdiction. However, any local government may request, in writing, the commission to prepare a local coastal program, or a portion thereof, for the local government. Each local coastal program prepared pursuant to this chapter shall contain a specific public access component to assure that maximum public access to the coast and public recreation areas is provided.

(b) Amendments to a local general plan for the purpose of developing a certified local coastal program shall not constitute an amendment of a general plan for purposes of Section 65358 of the Government Code.

(c) The precise content of each local coastal program shall be determined by the local government, consistent with Section 30501, in full consultation with the commission and with full public participation.

(Amended by Ch. 1173, Stats. 1981.)

(Amended by Ch. 1009, Stats. 1984.)

Section 30500.1

No local coastal program shall be required to include housing policies and programs.

(Added by Ch. 1007, Stats. 1981.)

Section 30501

The commission shall, within 90 days after January 1, 1977, adopt, after public hearing, procedures for the preparation, submission, approval, appeal, certification, and amendment of any local coastal program, including, but not limited to, the following:

(a) A common methodology for the preparation of, and the determination of the scope of, the local coastal programs, taking into account the fact that local governments have differing needs and characteristics.

(b) Recommended uses that are of more than local importance that should be considered in the preparation of local coastal programs. Such uses may be listed generally or the commission may, from time to time, recommend specific uses for consideration by any local government.

(Amended by Ch. 1173, Stats. 1981.)

Section 30502

(a) The commission, in consultation with affected local governments and the appropriate regional commissions, shall, not later than September 1, 1977, after public hearing, designate sensitive coastal resource areas within the coastal zone where the protection of coastal resources and public access requires, in addition to the review and approval of zoning ordinances, the review and approval by the regional commissions and commission of other implementing actions.

(b) The designation of each sensitive coastal resource area shall be based upon a separate report prepared and adopted by the commission which shall contain all of the following:

(1) A description of the coastal resources to be protected and the reasons why the area has been designated as a sensitive coastal resource area.

(2) A specific determination that the designated area is of regional or statewide significance.

(3) A specific list of significant adverse impacts that could result from development where zoning regulations alone may not adequately protect coastal resources or access.

(4) A map of the area indicating its size and location.

(c) In sensitive coastal resource areas designated pursuant to this section, a local coastal program shall include the implementing actions adequate to protect the coastal resources enumerated in the findings of the sensitive coastal resource area report in conformity with the policies of this division.

Section 30502.5

The commission shall recommend to the Legislature for designation by statute those sensitive coastal resource areas designated by the commission pursuant to Section 30502. Recommendation by the commission to the Legislature shall place the described area in the sensitive coastal resource area category for no more than two years, or a shorter period if the Legislature specifically rejects the recommendation. If two years pass and a recommended area has not been designated by statute, it shall no longer be designated as a sensitive coastal resource area. A bill proposing such a statute may not be held in committee, but shall be reported from committee to the floor of each respective house with its recommendation within 60 days of referral to committee.

Section 30503

During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special districts, shall be provided maximum opportunities to participate. Prior to submission of a local coastal program for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission.

Section 30504

Special districts, which issue permits or otherwise grant approval for development or which conduct development activities that may affect coastal resources, shall submit their development plans to the affected local government pursuant to Section 65401 of the Government Code. Such plans shall be considered by the affected local government in the preparation of its local coastal program.

ARTICLE 2

PROCEDURE FOR PREPARATION, APPROVAL, AND CERTIFICATION OF LOCAL COASTAL PROGRAMS

Section 30510

Consistent with this chapter, a proposed local coastal program may be submitted to the commission, if both of the following are met:

(a) It is submitted pursuant to a resolution adopted by the local government, after public hearing, that certifies the local coastal program is intended to be carried out in a manner fully in conformity with this division.

(b) It contains, in accordance with guidelines established by the commission, materials sufficient for a thorough and complete review.

(Amended by Ch. 285, Stats. 1991.)

Section 30511

Local coastal programs shall be submitted in accordance with the schedule established pursuant to Section 30517.5. At the option of the local government, this program may be submitted and processed in any of the following ways:

(a) At one time, in which event Section 30512 with respect to time limits, resubmission, approval, and certification shall apply. However, the zoning ordinances, zoning district maps, and, if required, other implementing actions included in the local coastal program shall be approved and certified pursuant to the standards of Section 30513.

(b) In two phases, in which event the land use plans shall be processed first pursuant to Section 30512, and the zoning ordinances, zoning district maps, and, if required, other implementing actions, shall be processed thereafter pursuant to Section 30513.

(c) In separate geographic units consisting of less than the local government's jurisdiction lying within the coastal zone, each submitted pursuant to subdivision (a) or (b), if the commission finds that the area or areas proposed for separate review can be analyzed for the potential cumulative impacts of development on coastal resources and access independently of the remainder of the affected jurisdiction.

(Amended by Ch. 1173, Stats. 1981.)

(Amended by Ch. 285, Stats. 1991.)

(Amended by Ch. 1091, Stats. 1991)

Section 30512

(a) The land use plan of a proposed local coastal program shall be submitted to the commission. The commission shall, within 90 days after the submittal, after public hearing, either certify or refuse certification, in whole or in part, the land use plan pursuant to the following procedure:

(1) No later than 60 days after a land use plan has been submitted to it, the commission shall, after public hearing and by majority vote of those present, determine whether the land use plan, or a portion

thereof applicable to an identifiable geographic area, raises no substantial issue as to conformity with the policies of Chapter 3 (commencing with Section 30200).

If the commission determines that no substantial issue is raised, the land use plan, or portion thereof applicable to an identifiable area, which raises no substantial issue, shall be deemed certified as submitted. The commission shall adopt findings to support its action.

(2) Where the commission determines pursuant to paragraph (1) that one or more portions of a land use plan applicable to one or more identifiable geographic areas raise no substantial issue as to conformity with the policies of Chapter 3 (commencing with Section 30200), the remainder of that land use plan applicable to other identifiable geographic areas shall be deemed to raise one or more substantial issues as to conformity with the policies of Chapter 3 (commencing with Section 30200). The commission shall identify each such substantial issue for each such geographic area.

(3) The commission shall hold at least one public hearing on the matter or matters which have been identified as substantial issues pursuant to paragraph (2). No later than 90 days after submittal of the land use plan, the commission shall determine whether or not to certify the land use plan, in whole or in part. If the commission fails to act within the required 90-day period, the land use plan, or portion thereof, shall be deemed certified by the commission.

(b) If the commission determines not to certify a land use plan, in whole or in part, the commission shall provide a written explanation and may suggest modifications, which, if adopted and transmitted to the commission by the local government, shall cause the land use plan to be deemed certified upon confirmation of the executive director. The local government may elect to meet the commission's refusal of certification in a manner other than as suggested by the commission and may then resubmit its revised land use plan to the commission. If a local government requests that the commission not recommend or suggest modifications which, if made, will result in certification, the commission shall refuse certification with the required findings.

(c) The commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as proved in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the commission.

(d) This section shall become inoperative and shall have no force or effect on the date, if any, of a final judicial decision that its provisions are inconsistent with the requirements of the federal coastal act. On and after that date, any reference to this section shall be deemed to be reference to Section 30512.1.

(Amended by Ch. 1087, Stats. 1980.)

(Amended by Ch. 1173, Stats. 1981.)

Section 30512.1

(a) The land use plan of a proposed local coastal program shall be submitted to the commission. The commission shall, within 90 days after the submittal, after public hearing, either approve or disapprove, in whole or in part, the land use plan. If the proposed land use plan is not acted upon within the 90-day period, it shall be deemed approved and certified by the commission.

(b) Where a land use plan is refused certification, in whole or in part, the commission shall provide a written explanation and may suggest modifications, which, if adopted and transmitted to the commission by the local government, will be deemed certified upon confirmation of the executive director. The local government may elect to meet the commission's refusal of certification in a manner other than as suggested by the commission and may then resubmit its revised land use plan to the commission. If a local

government requests that the commission not recommend or suggest modifications which if made will result in certification, the commission shall refuse certification with required findings.

(c) The commission shall approve and certify a land use plan, or any amendments thereto, if the commission finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200).

(d) This section shall become operative on the date that Section 30512 becomes inoperative.

(Added by Ch. 1173, Stats. 1981.)

Section 30512.2

The following provisions shall apply to the commission's decision to certify or refuse certification of a land use plan pursuant to Section 30512:

(a) The commission's review of a land use plan shall be limited to its administrative determination that the land use plan submitted by the local government does, or does not, conform with the requirements of Chapter 3 (commencing with Section 30200). In making this review, the commission is not authorized by any provision of this division to diminish or abridge the authority of a local government to adopt and establish, by ordinance, the precise content of its land use plan.

(b) The commission shall require conformance with the policies and requirements of Chapter 3 (commencing with Section 30200) only to the extent necessary to achieve the basic state goals specified in Section 30001.5.

(Added by Ch. 1173, Stats. 1981.)

Section 30513

The local government shall submit to the commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions which are required pursuant to this chapter.

If within 60 days after receipt of the zoning ordinances, zoning district maps, and other implementing actions, the commission, after public hearing, has not rejected the zoning ordinances, zoning district maps, or other implementing actions, they shall be deemed approved. The commission may only reject zoning ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection specifying the provisions of land use plan with which the rejected zoning ordinances do not conform or which it finds will not be adequately carried out together with its reasons for the action taken.

The commission may suggest modifications in the rejected zoning ordinances, zoning district maps, or other implementing actions, which, if adopted by the local government and transmitted to the commission, shall be deemed approved upon confirmation by the executive director.

The local government may elect to meet the commission's rejection in a manner other than as suggested by the commission and may then resubmit its revised zoning ordinances, zoning district maps, and other implementing actions to the commission.

If a local government requests that the commission not suggest modifications in the rejected zoning ordinances, zoning district maps, or other implementing ordinances, the commission shall not do so.

(Amended by Ch. 1173, Stats. 1981.)

Section 30514

(a) A certified local coastal program and all local implementing ordinances, regulations, and other actions may be amended by the appropriate local government, but no such amendment shall take effect until it has been certified by the commission.

(b) Any proposed amendments to a certified local coastal program shall be submitted to, and processed by, the commission in accordance with the applicable procedures and time limits specified in Sections 30512 and 30513, except that the commission shall make no determination as to whether a proposed amendment raises a substantial issue as to conformity with the policies of Chapter 3 (commencing with Section 30200) as would otherwise be required by Section 30512. In no event shall there be more than three of these submittals of proposed amendments in any calendar year. However, there are no limitations on the number of amendments included in each of the three submittals.

(c) The commission, by regulation, shall establish a procedure whereby proposed amendments to a certified local coastal program may be reviewed and designated by the executive director of the commission as being minor in nature or as requiring rapid and expeditious action. That procedure shall include provisions authorizing local governments to propose amendments to the executive director for that review and designation. Proposed amendments that are designated as being minor in nature or as requiring rapid and expeditious action shall not be subject to subdivision (b) or Sections 30512 and 30513 and shall take effect on the 10th working day after designation. Amendments that allow changes in uses shall not be so designated.

(d) (1) The executive director may determine that a proposed local coastal program amendment is de minimis if the executive director determines that a proposed amendment would have no impact, either individually or cumulatively, on coastal resources, is consistent with the policies of Chapter 3 (commencing with Section 30200), and meets the following criteria:

(A) The local government, at least 21 days prior to the date of submitting the proposed amendment to the executive director, has provided public notice, and provided a copy to the commission, that specifies the dates and places where comments will be accepted on the proposed amendment, contains a brief description of the proposed amendment, and states the address where copies of the proposed amendment are available for public review, by one of the following procedures:

(i) Publication, not fewer times than required by Section 6061 of the Government Code, in a newspaper of general circulation in the area affected by the proposed amendment. If more than one area will be affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.

(ii) Posting of the notice by the local government both onsite and offsite in the area affected by the proposed amendment.

(iii) Direct mailing to the owners and occupants of contiguous property shown on the latest equalized assessment roll.

(B) The proposed amendment does not propose any change in land use or water uses or any change in the allowable use of property.

(2) At the time that the local government submits the proposed amendment to the executive director, the local government shall also submit to the executive director any public comments that were received during the comment period provided pursuant to subparagraph (A) of paragraph (1).

(3) (A) The executive director shall make a determination as to whether the proposed amendment is de minimis within 10 working days of the date of submittal by the local government. If the proposed amendment is determined to be de minimis, the proposed amendment shall be noticed in the agenda of the next regularly scheduled meeting of the commission, in accordance with Section 11125 of the Government Code, and any public comments forwarded by the local government shall be made available to the members of the commission.

(B) If three members of the commission object to the executive director's determination that the proposed amendment is de minimis, the proposed amendment shall be set for public hearing in accordance with the procedures specified in subdivision (b), or as specified in subdivision (c) if applicable, as determined by the executive director, or, at the request of the local government, returned to the local government. If set for public hearing under subdivision (b), the time requirements set by Sections 30512 and 30513 shall commence from the date on which the objection to the de minimis designation was made.

(C) If three or more members of the commission do not object to the de minimis determination, the de minimis local coastal program amendment shall become part of the certified local coastal program 10 days after the date of the commission meeting.

(4) The commission, after a noticed public hearing, may adopt guidelines to implement this subdivision, which shall be exempt from review by the Office of Administrative Law and from Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The commission shall file any guidelines adopted pursuant to this paragraph with the Office of Administrative Law.

(e) For purposes of this section, "amendment of a certified local coastal program" includes, but is not limited to, any action by a local government that authorizes the use of a parcel of land other than a use that is designated in the certified local coastal program as a permitted use of the parcel.

(Amended by Ch. 43, Stats. 1982.)

(Amended by Ch. 525, Stats. 1994.)

(Amended by Ch. 208, Stats. 1995.)

(Amended by Ch. 124, Stats. 1996.)

Section 30514.1

The commission shall adopt the findings or provide a written explanation or written notice, as appropriate, required by Sections 30512, 30512.1, 30512.2, and 30513 to support its action no later than 60 days after the date on which action was taken.

(Added by Ch. 886, Stats. 1985.)

Section 30515

Any person authorized to undertake a public works project or proposing an energy facility development may request any local government to amend its certified local coastal program, if the purpose of the proposed amendment is to meet public needs of an area greater than that included within such certified local coastal program that had not been anticipated by the person making the request at the time the local coastal program was before the commission for certification. If, after review, the local

government determines that the amendment requested would be in conformity with the policies of this division, it may amend its certified local coastal program as provided in Section 30514.

If the local government does not amend its local coastal program, such person may file with the commission a request for amendment which shall set forth the reasons why the proposed amendment is necessary and how such amendment is in conformity with the policies of this division. The local government shall be provided an opportunity to set forth the reasons for its action. The commission may, after public hearing, approve and certify the proposed amendment it finds, after a careful balancing of social, economic, and environmental effects, that to do otherwise would adversely affect the public welfare, that a public need of an area greater than that included within the certified local coastal program would be met, that there is no feasible, less environmentally damaging alternative way to meet such need, and that the proposed amendment is in conformity with the policies of this division.

Section 30516

(a) Approval of a local coastal program shall not be withheld because of the inability of the local government to financially support or implement any policy or policies contained in this division; provided, however, that this shall not require the approval of a local coastal program allowing development not in conformity with the policies in Chapter 3 (commencing with Section 30200).

(b) Where a certified port master plan has been incorporated in a local coastal program in accordance with Section 30711 and the local coastal program is disapproved by the commission, that disapproval shall not apply to the certified port master plan.

(Amended by Ch. 285, Stats. 1991)

Section 30517

The commission may extend, for a period of not to exceed one year, except as provided for in Section 30518, any time limitation established by this chapter for good cause.

(Amended by Ch. 285, Stats. 1991.)

Section 30517.5

(a) Within 60 days from the effective date of this section, the commission shall establish a schedule for the submittal of all land use plans that have not been submitted, pursuant to Section 30501, to a former regional commission or the commission on or before July 1, 1981. This schedule shall be based on the commission's assessment, in consultation with local governments, of each local government's current status and progress. The schedule shall specify that submittals may not be made sooner than nor later than certain specified dates and in no event later than January 1, 1983.

(b) If a local government fails to meet the schedule established pursuant to subdivision (a), the commission may take any of the following actions:

(1) Waive the deadlines for commission action on a submitted land use plan, or any portion thereof, as set forth in Sections 30511 and 30512.

(2) Prepare and adopt, after a public hearing but not sooner than January 1, 1984, a land use plan for the land area within the local government's jurisdiction. After adoption of the land use plan, the commission shall determine the permissibility of proposed developments pursuant to the provisions of the adopted plan. The affected local government may choose to adopt, in whole or in part, the commission's

prepared and adopted land use plan in which event the commission shall certify the plan, in whole or in part, or it may continue to prepare its own land use plan consistent with the provisions of this chapter.

(3) Report the matter to the Legislature with recommendations for appropriate action.

(Added by Ch. 1173, Stats. 1981.)

(Amended by Ch. 747, Stats. 1983.)

Section 30517.6

(a) Within 30 days after the certification of a land use plan, or any portion thereof, the commission shall, after consultation with the appropriate local government, establish a date for that local government to submit the zoning ordinances, zoning district maps, and, where necessary, other implementing actions. In no event shall that date be later than January 1, 1984.

(b) If a local government fails to meet the schedule established pursuant to subdivision (a), the commission may waive the deadlines for commission action on submitted zoning ordinances, zoning district maps, and, where necessary, other implementing actions, as set forth in Section 30511 and 30513.

(Added by Ch. 1173, Stats. 1981.)

Section 30518

(Repealed by Ch. 1173, Stats. 1981.)

Section 30519

(a) Except for appeals to the commission, as provided in Section 30603, after a local coastal program, or any portion thereof, has been certified and all implementing actions within the area affected have become effective, the development review authority provided for in Chapter 7 (commencing with Section 30600) shall no longer be exercised by the commission over any new development proposed within the area to which the certified local coastal program, or any portion thereof, applies and shall at that time be delegated to the local government that is implementing the local coastal program or any portion thereof.

(b) Subdivision (a) shall not apply to any development proposed or undertaken on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled, lying within the coastal zone, nor shall it apply to any development proposed or undertaken within ports covered by Chapter 8 (commencing with Section 30700) or within any state university or college within the coastal zone; however, this section shall apply to any development proposed or undertaken by a port or harbor district or authority on lands or waters granted by the Legislature to a local government whose certified local coastal program includes the specific development plans for such district or authority.

(c) The commission may, from time to time, recommend to the appropriate local government local coastal program amendments to accommodate uses of greater than local importance, which uses are not permitted by the applicable certified local coastal program. These uses may be listed generally or the commission may recommend specific uses of greater than local importance for consideration by the appropriate local government.

(Amended by Ch. 43, Stats. 1982.)
(Amended by Ch. 285, Stats. 1991.)

Section 30519.1

(a) This section shall apply only to those parcels and areas within the City of Carlsbad for which a local coastal program has been prepared and certified by the commission pursuant to subdivision (f) of Section 30170 or Section 30171.

(b) Any provisions of any such local coastal program with respect to housing for persons and families of low or moderate income shall have no force or effect after January 1, 1982. After that date, housing requirements for those parcels and areas shall be determined pursuant to Section 65590 of the Government Code.

(c) Until such time as, (i) the City of Carlsbad adopts or enacts the implementing actions contained in any such local coastal program, or (ii) other statutory provisions provide alternately for the adoption, certification, and implementation of a local coastal program for those parcels and areas, coastal development permits for those parcels and areas shall be issued by the commission as provided in this subdivision. Notwithstanding any other provision of this division, the commission shall issue a coastal development permit if it finds that a proposed development is in conformity with the certified local coastal program, exclusive of any provisions with respect to housing for persons and families of low or moderate income which have been rendered inoperative pursuant to subdivision (b).

(Added by Ch. 43, Stats. 1982.)

Section 30519.5

(a) The commission shall, from time to time, but at least once every five years after certification, review every certified local coastal program to determine whether such program is being effectively implemented in conformity with the policies of this division. If the commission determines that a certified local coastal program is not being carried out in conformity with any policy of this division it shall submit to the affected local government recommendations of corrective actions that should be taken. Such recommendations may include recommended amendments to the affected local government's local coastal program.

(b) Recommendations submitted pursuant to this section shall be reviewed by the affected local government and, if the recommended action is not taken, the local government shall, within one year of such submission, forward to the commission a report setting forth its reasons for not taking the recommended action. The commission shall review such report and, where appropriate, report to the Legislature and recommend legislative action necessary to assure effective implementation of the relevant policy or policies of this division.

Section 30520

(a) If the application of any certified local coastal program, or any portion thereof, is prohibited or stayed by any court, the permit authority provided for in Chapter 7 (commencing with Section 30600) shall be exercised pursuant to the provisions of this section until a final court order has withdrawn such prohibition or stay. A coastal development permit shall be issued by the affected local government or the commission on appeal, if that local government or the commission on appeal finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) or the applicable certified land use plan if the court-ordered prohibition or stay applies only to the zoning ordinances, zoning district maps, or, where necessary, the other implementing actions which are required

pursuant to this chapter. Any development approved by a local government pursuant to this subdivision may be appealed to the commission by any person, including the executive director or any commissioner during the period the permit provisions of this section are in effect.

(b) Until a local government has adopted an interim ordinance, prescribing procedures for issuing coastal development permits in the circumstances described in subdivision (a), the permit authority provided for in Chapter 7 (commencing with Section 30600) shall be reinstated in the commission. A coastal development permit shall be issued by the commission if the commission finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) or the applicable certified land use plan, if the court-ordered prohibition or stay applies only to zoning ordinances, zoning district maps, or, where necessary, the other implementing actions which are required pursuant to this chapter.

(c) The permit authority provided for in this section shall be limited to only those developments which would be affected by the court-ordered prohibition or stay.

(Amended by Ch. 1173, Stats. 1981.)

(Amended by Ch. 43, Stats. 1982.)

Section 30521

The Legislature hereby finds and declares that the early review of a limited number of local coastal programs may provide valuable experience for future review and processing of local coastal programs and that in consideration of the early commitments made by the involved local governments, any local coastal program prepared for that portion of a local jurisdiction designated as a pilot project area by the California Coastal Zone Conservation Commission between August 31, 1976, and October 31, 1976, shall receive priority from the commission by being processed ahead of other local coastal programs pursuant to this chapter. Any such pilot project may be reviewed and approved by the commission without being subject to the procedures required by Section 30501; provided, that the proposed local coastal program, or portion thereof, is in conformity with the policies of Chapter 3 (commencing with Section 30200), serves as a useful model for future review of local coastal programs, and the regional commission has commenced formal review of the land use phase of a local coastal program by June 1, 1977.

(Amended by Ch. 1173, Stats. 1981.)

(Amended by Ch. 285, Stats. 1991.)

Section 30522

Nothing in this chapter shall permit the commission to certify a local coastal program which provides for a lesser degree of environmental protection than that provided by the plans and policies of any state regulatory agency that are formally adopted by such agency, are used in the regulatory program of such agency, and are legally enforceable.

(Amended by Ch. 899, Stats. 1979.)

Section 30523

It is the intent of the Legislature that local coastal programs certified by the commission should be sufficiently specific to meet the requirements of Section 30108.5, but not so detailed as to require amendment and commission review for minor changes, or to discourage the assumption by local governments of postcertification authority which ensures and implements effective protection of coastal

resources. The Legislature also recognizes that the applicable policies and the level of specificity required to ensure coastal resource protection may differ between areas on or near the shoreline and inland areas.

(Added by Ch. 899, Stats. 1979.)

Section 30525

(a) Every state agency that owns or manages land or water areas within the coastal zone, including public beaches, parks, natural areas, and fish and wildlife preserves, shall identify the sensitive resource values within those areas that are particularly susceptible to adverse impacts from nearby development that is not carefully planned. Every such agency shall also identify the location and type of development that would have a significant adverse impact on those sensitive resource values.

(b) Every agency subject to this section shall advise the appropriate local government of particular considerations that should be evaluated during the preparation of a local coastal program and which, in the opinion of such agency, may be necessary to protect identified sensitive resource values. In addition, the work undertaken pursuant to this section shall be completed in a timely manner in order to maximize the opportunity for the public, affected local governments, and the commission to consider this information fully during the preparation, review, and approval of the appropriate local coastal program.

(c) Work already completed pursuant to former Chapter 7 (commencing with Section 31300) of Division 21 of the Public Resources Code, added by Chapter 1441 of the Statutes of 1976, and in conformity with this section, that identifies sensitive resource values within publicly owned or managed land and water areas of the coastal zone shall be considered by local government and the commission in the course of carrying out this chapter.

(d) For purposes of this section, "sensitive resource values" means those fragile or unique natural resources which are particularly susceptible to degradation resulting from surrounding development, the adverse effects of which have not been carefully evaluated, mitigated, or avoided. Examples include, but are not limited to, environmentally sensitive areas, as defined in Section 30107.5, areas uniquely suited for scientific or educational purposes, and specific public recreation areas where the quality of the recreational experience is dependent on the character of the surrounding area.

(Added by Ch. 930, Stats. 1979.)

(Amended by Ch. 285, Stats. 1991.)

Section 30526

(a) Because of the intensity of development contemplated, the area's steep topography and highly erodible soils, and the demonstrated impacts from development despite the utilization of mitigation measures, the Legislature finds that the threat from development to wetlands in the City of San Diego requires that a mitigation fee program be included in the city's local coastal program. Therefore, the City of San Diego shall provide in its local coastal program for payment of a reasonable fee to the State Coastal Conservancy by applicants for a coastal development permit if the proposed development has, or is reasonably expected to have, a direct and significant effect on coastal resources within a specific geographic watershed in the coastal zone which can be mitigated through the incorporation of feasible onsite and offsite mitigation measures into the proposed development and through the mitigation fee program.

(b) Fees paid by an applicant pursuant to subdivision (a) shall be deposited in an account established by the State Coastal Conservancy. None of the funds in the account shall be appropriated for any purpose not specified in this section. Except as provided in this section, any fee paid pursuant to this section may only be used to restore, replace, or improve resources or ecological systems which are

adversely affected by the proposed development and with respect to which the fee constitutes partial or total mitigation. Any fees established pursuant to this section are not required for any development that is undertaken by a public agency for the purpose of providing resource enhancement or public recreation. In the event that mitigation of all development impacts cannot be feasibly carried out within the watershed, the conservancy may, with the approval of the local government and the commission, complete the mitigation for the development outside of the watershed.

(c) This section and Section 31108.5 apply only to the Los Penasquitos Lagoon area in the City of San Diego.

(Added by Ch. 198, Stats. 1986.)

ARTICLE 3

COASTAL PUBLIC ACCESS PROGRAM

Section 30530

It is the intent of the Legislature, consistent with the provisions of Chapter 9 (commencing with Section 31400) of Division 21, that a program to maximize public access to and along the coastline be prepared and implemented in a manner that ensures coordination among and the most efficient use of limited fiscal resources by federal, state, and local agencies responsible for acquisition, development, and maintenance of public coastal accessways. There is a need to coordinate public access programs so as to minimize costly duplication and conflicts and to assure that, to the extent practicable, different access programs complement one another and are incorporated within an integrated system of public accessways to and along the state's coastline. The Legislature recognizes that different public agencies are currently implementing public access programs and encourages such agencies to strengthen those programs in order to provide yet greater public benefits.

(Added by Ch. 840, Stats. 1979.)

Section 30531

The commission shall be responsible for the preparation of a public coastal access program which includes the elements set forth in this section and which, to the maximum extent practicable, is incorporated into the local coastal programs prepared, approved, and implemented pursuant to this division.

(a) On or before January 1, 1981, the commission shall prepare a coastal access inventory. The coastal access inventory shall be updated on a continuing basis and shall include, but not be limited to, the following information:

(1) A list identifying lands held or operated for the purpose of providing public access to or along the coast. Each listing shall include a brief description of the type of access provided, access constraints, access facility ownership, and resources or uses for which access is provided or suitable.

(2) A list of known offers to dedicate, accepted dedications, and any other legally binding actions taken that provide opportunities for any type of public use of or access to or along the coast. Each listing shall include a brief description of the legal status of the instrument granting or otherwise providing public access, whether public access is physically available, and if not, what action is necessary to be taken to accomplish actual public use.

(3) A map showing the precise location of the listings included pursuant to paragraphs (1) and (2) of this subdivision.

(b) On or before June 1, 1980, the commission shall, in consultation with the Department of Parks and Recreation, the State Coastal Conservancy, and other appropriate public agencies, make recommendations to guide state, local, and to the extent permitted by law federal public agencies in the identification, development, and management of public accessways to and along the coast. The recommendations made pursuant to this section shall be consistent with the public access policies of this division and, with respect to recommendations relating to development of public accessways, consistent with the policy of protecting coastal resources.

(c) On or before January 1, 1981, and from time to time thereafter, the commission, in consultation with the State Coastal Conservancy and other affected public agencies, shall identify the public agency or agencies it deems the most appropriate agency or agencies to accept responsibility for the management of

those public coastal accessways listed pursuant to subdivision (a) for which no public agency has accepted such management responsibilities. In identifying the agency or agencies most appropriate to accept public access management responsibilities, the commission shall include its best estimate of costs for the development, operation, and maintenance of such accessways and shall recommend to the Governor and the Legislature a method of funding such costs. In preparing its recommendations for funding public coastal accessway operation and maintenance costs, the commission shall develop alternative, innovative funding techniques that take into account the appropriateness of local funding for the operation and maintenance of accessways that serve primarily local needs. If the commission identifies a state agency as the appropriate agency to assume management responsibility and such agency does not accept such responsibility, the agency shall, by December 31 of the year in which the commission completes its report, advise the commission of its reasons why it did not or cannot accept such responsibility. The State Coastal Conservancy shall take those actions it deems appropriate, including necessary agreements, to negotiate or otherwise accomplish the acceptance of management responsibility by the agency identified by the commission.

(Added by Ch. 840, Stats. 1979.)

Section 30532

The commission may enter into agreements with or issue grants to any public agency for the purpose of assisting the commission in meeting the requirements of this article. The commission shall, to the extent available funding permits, enter into agreements with those state agencies that currently operate some form of public coastal access program for the purpose of completing the inventory required by subdivision (a) of Section 30531. The commission shall enter into an agreement with the State Coastal Conservancy to provide the funding necessary for the conservancy to carry out its responsibilities pursuant to this article and Chapter 9 (commencing with Section 31400) of Division 21.

(Added by Ch. 840, Stats. 1979.)

Section 30533

The commission, and the State Coastal Conservancy, shall on or before January 1, 1981, and on or before each January 1 thereafter, report to the Governor and the Legislature the progress made in implementing the public coastal access program established by this article. It is the intent of the Legislature that the commission, the State Coastal Conservancy, and all other appropriate public agencies proceed with all deliberate speed to implement the provisions of this article prior to the deadlines established in this article.

(Added by Ch. 840, Stats. 1979.)

Section 30534

The commission shall, within 10 days after receiving evidence of recordation of any offer to dedicate real property for access to or along the coast, which dedication was required as a condition to the issuance of a coastal development permit, forward a copy of such evidence and a description of such real property to the Department of Parks and Recreation, the State Coastal Conservancy, and the State Lands Commission.

(Added by Ch. 840, Stats. 1979.)

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ARTICLE I GENERAL PROVISIONS

Section 30600

(a) Except as provided in subdivision (e), and in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, any person, as defined in Section 21066, wishing to perform or undertake any development in the coastal zone, other than a facility subject to Section 25500, shall obtain a coastal development permit.

(b) (1) Prior to certification of its local coastal program, a local government may, with respect to any development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620, and 30620.5, establish procedures for the filing, processing, review, modification, approval, or denial of a coastal development permit. Those procedures may be incorporated and made a part of the procedures relating to any other appropriate land use development permit issued by the local government.

(2) A coastal development permit from a local government shall not be required by this subdivision for any development on tidelands, submerged lands, or on public trust lands, whether filled or unfilled, or for any development by a public agency for which a local government permit is not otherwise required.

(c) If prior to certification of its local coastal program, a local government does not exercise the option provided in subdivision (b), or a development is not subject to the requirements of subdivision (b), a coastal development permit shall be obtained from the commission or from a local government as provided in subdivision (d).

(d) After certification of its local coastal program or pursuant to the provisions of Section 30600.5, a coastal development permit shall be obtained from the local government as provided for in Section 30519 or Section 30600.5.

(e) This section does not apply to any of the following projects, except that notification by the agency or public utility performing any of the following projects shall be made to the commission within 14 days from the date of the commencement of the project:

(1) Immediate emergency work necessary to protect life or property or immediate emergency repairs to public service facilities necessary to maintain service as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.

(2) Emergency projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway, as defined in Section 360 of the Vehicle Code, except for a highway designated as an official state scenic highway pursuant to Section 262 of the Streets and Highways Code, within the existing right-of-way of the highway, damaged as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, within one year of the damage. This paragraph does not exempt from this section any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.

(Amended by Ch. 1173, Stats. 1981.)

(Amended by Ch. 825, Stats. 1996.)

Section 30600.1

(a) In the event that an applicant for a coastal development permit had, prior to January 1, 1982, received from the appropriate local government final discretionary approval to proceed with a proposed development, but had not been issued a coastal development permit prior to that date, the provisions of subdivision (b) or (c) shall apply to any requirements for housing for persons or families of low or moderate income which may be applicable to the proposed development.

(b) In the event that the commission has approved an application for a coastal development permit, but the applicant has not complied with conditions in regard to such housing which were imposed by the commission as part of its approval, the applicant shall do either of the following:

(1) Comply with the housing and other applicable conditions imposed by the commission, in which event the coastal development permit shall be issued and the provisions of Section 65590 of the Government Code shall not apply to the development.

(2) Apply to the appropriate local government as provided in Section 65590.1 of the Government Code to have that local government apply the requirements of Section 65590 of the Government Code to the proposed development, in which event, no condition previously imposed by the commission with respect to such housing shall be applicable to the proposed development.

(c) In the event that application has not been acted upon prior to January 1, 1982, the commission shall process the application as otherwise required by this division, but shall not impose any condition or requirement with respect to housing for persons or families of low or moderate income on the proposed development. The applicant shall apply to the appropriate local government as provided in Section 65590.1 of the Government Code to have that local government apply the requirements of Section 65590 of the Government Code to the proposed development. The commission, at its discretion, may defer action on this application until the local government has acted to apply the requirements of Section 65590 of the Government Code. The time limits otherwise applicable to commission action on this application shall be stayed during any such period of deferral. If however any such application is for a conversion of a residential dwelling as defined in paragraph (1) of subdivision (g) of Section 65590 of the Government Code, the commission shall not defer processing of such application but shall defer the final issuance of a coastal development permit until the local government has applied the requirements of Section 65590 of the Government Code.

(Added by Ch. 43, Stats. 1982.)

Section 30600.5

(a) Prior to the certification of a local coastal program and notwithstanding the provisions of subdivision (a) of Section 30519, after the effective date of this section, the authority for issuance of coastal development permits provided for in Chapter 7 (commencing with Section 30600) shall be delegated to local governments pursuant to the provisions of this section.

(b) Except for any development specified in subdivision (b) of Section 30519 and Section 30601 or with respect to any development proposed by any state agency, the authority for issuance of coastal development permits provided for in Chapter 7 (commencing with Section 30600) shall be delegated to the respective local governments within 120 days after (1) the effective date of certification of a land use plan pursuant to Chapter 6 (commencing with Section 30500) or (2) the effective date of this section, whichever occurs last. This delegation shall only apply with respect to those areas governed by the certified land use plan or a certified portion thereof, applicable to an identifiable geographic area.

(c) Notwithstanding any other provision of this division, after delegation of authority to issue coastal development permits pursuant to subdivision (b), a coastal development permit shall be issued by

the respective local government or the commission on appeal, if that local government or the commission on appeal finds that the proposed development is in conformity with the certified land use plan.

(d) Any action taken by a local government on a coastal development permit application pursuant to the provisions of this section may be appealed to the commission pursuant to Section 30602. The commission shall hear an appeal brought pursuant to the provisions of this section, unless it determines that the local government action taken raises no substantial issue as to conformity with the certified land use plan. For purposes of this subdivision, failure by any local government to act within any time limit specified in this division shall constitute an "action taken."

(e) The commission shall, following a public hearing and within 90 days after the effective date of this section, adopt minimum standards for public notice, hearing, and appeal procedures to govern local government review of coastal development permit applications pursuant to this section. The standards shall, as nearly as practical, follow the standards required for local agencies after certification of local coastal programs for appealable developments and shall ensure that the notice and hearing required for the coastal development permit can be provided at the same time as the notice and hearing requirements for other local land use decisions which may be necessary for the project requiring the permit. Within 60 days prior to assumption of authority for issuance of coastal development permits pursuant to this section, the local government shall provide drafts of all procedures for issuance of coastal development permits to the executive director of the commission. Delegation of the authority to issue coastal development permits pursuant to subdivision (b) shall not occur until the local government has provided copies of all the adopted procedures for the issuance of coastal development permits to the executive director of the commission. Any amendments to the procedures shall also be furnished to the executive director for his information.

(f) Prior to the delegation of authority to issue coastal development permits as provided in subdivision (b), a local government, after appropriate notice and hearing, shall adopt an ordinance prescribing the procedures to be used in issuing such coastal development permits. Each such ordinance shall incorporate at least the minimum standards for public notice, hearings, and appeals established by the commission pursuant to subdivision (e). In addition, each such ordinance shall contain provisions which prohibit the issuance of a coastal development permit for any development which may conflict with the ordinances which are being prepared to implement the certified land use plan.

(g) In order to expedite certification of complete local coastal programs and the transfer of coastal development controls to local government, the commission shall, on request from a local government, prepare the ordinances necessary for the local government to implement the coastal permit responsibilities of this division.

(h) The time limits set forth in subdivision (b) shall be extended, by right, for not more than 90 days if a local government, by resolution of its governing body, so requests.

(i) The provisions of this section and of any local ordinance enacted pursuant thereto shall have no further force or effect or application after that local government's local coastal program has been certified and taken effect pursuant to the provisions of this division.

(j) This section shall become inoperative and shall have no force or effect on the date, if any, of a final judicial decision that its provisions are of inconsistent with the requirements of the federal coastal act.

(Added by Ch. 1173, Stats. 1981.)

(Amended by Ch. 43, Stats. 1982.)

Section 30600.6

(a) The Legislature finds that some new cost may be incurred by local governments when the authority to issue coastal development permits is delegated to these local governments as provided in Section 30600.5. It is the intent of the Legislature that during the period prior to certification of a local government's local coastal program these new costs shall be funded as provided in this section.

(b) If a local government has been delegated authority to issue coastal development permits as provided in Section 30600.5, any new costs incurred by reason thereof shall be recovered from fees charged to individual permit applicants. Such fees shall cover only those costs which meet all of the following criteria:

(1) The costs are attributable to the actual issuance of coastal development permits, including a pro rata share of general administrative costs.

(2) The costs would not have been incurred except for the delegation of authority to issue coastal development permits as provided in Section 30600.5.

(3) The costs are of a type which would not normally be incurred by the local government in carrying out its land use planning and regulatory responsibilities pursuant to other provisions of law.

(c) A local government may elect not to levy fees as provided in this section. If the local government does not levy such fees, it shall not be eligible to be reimbursed for such costs pursuant to other provisions of law.

(d) After certification of its local coastal program, each respective local government shall be reimbursed for costs associated with implementation of that local coastal program as provided in Article 4 (commencing with Section 30350) of Chapter 4.

(Added by Ch. 43, Stats. 1982.)

Section 30600.7

Where, prior to delegation of coastal permit authority pursuant to Section 30519, a modification of a refinery facility or petrochemical facility is necessary to comply with a goal, policy, or requirement of an air pollution control district, the State Air Resources Board, or the Environmental Protection Agency to provide for reformulated or alternative fuels, that modification shall require a coastal development permit from the commission only, notwithstanding the option afforded local governments under subdivision (b) of Section 30600.

(Added by Ch. 535, Stats. 1991)

Section 30601

Prior to certification of the local coastal program and, where applicable, in addition to a permit from local government pursuant to subdivision (b) or (d) of Section 30600, a coastal development permit shall be obtained from the commission for any of the following:

(1) Developments between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.

(2) Developments not included within paragraph (1) located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.

(3) Any development which constitutes a major public works project or a major energy facility.

(Amended by Ch. 1173, Stats. 1981.)

Section 30601.5

Where the applicant for a coastal development permit is not the owner of a fee interest in the property on which a proposed development is to be located, but can demonstrate a legal right, interest, or other entitlement to use the property for the proposed development, the commission shall not require the holder or owner of any superior interest in the property to join the applicant as coapplicant. All holders or owners of any other interests of record in the affected property shall be notified in writing of the permit application and invited to join as coapplicant. In addition, prior to the issuance of a coastal development permit, the applicant shall demonstrate the authority to comply with all conditions of approval.

(Added by Ch. 43, Stats. 1982.)

Section 30602

Prior to certification of its local coastal program, any action taken by a local government on a coastal development permit application may be appealed by the executive director of the commission, any person, including the applicant, or any two members of the commission to the commission. The action shall become final at the close of business on the 20th working day from the date of receipt of the notice required by subdivision (c) of Section 30620.5, unless an appeal is submitted within that time. Regardless of whether an appeal is submitted, the local government's action shall become final if an appeal fee is imposed pursuant to subdivision (d) of Section 30620 and is not deposited with the commission within the time prescribed.

(Amended by Ch. 1173, Stats. 1981.)

(Amended by Ch. 669, Stats. 1995.)

Section 30603

(a) After certification of its local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the commission for only the following types of developments:

(1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance.

(2) Developments approved by the local government not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.

(3) Developments approved by the local government not included within paragraph (1) or (2) that are located in a sensitive coastal resource area.

(4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500).

(5) Any development which constitutes a major public works project or a major energy facility.

(b) (1) The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.

(2) The grounds for an appeal of a denial of a permit pursuant to paragraph (5) of subdivision (a) shall be limited to an allegation that the development conforms to the standards set forth in the certified local coastal program and the public access policies set forth in this division.

(c) Any action described in subdivision (a) shall become final at the close of business on the 10th working day from the date of receipt by the commission of the notice of the local government's final action, unless an appeal is submitted within that time. Regardless of whether an appeal is submitted, the local government's action shall become final if an appeal fee is imposed pursuant to subdivision (d) of Section 30620 and is not deposited with the commission within the time prescribed.

(d) A local government taking an action on a coastal development permit shall send notification of its final action to the commission by certified mail within seven calendar days from the date of taking the action.

(Amended by Ch. 43, Stats. 1982.)

(Amended by Ch. 1030, Stats. 1991.)

(Amended by Ch. 525, Stats. 1994.)

(Amended by Ch. 669, Stats. 1995.)

Section 30603.1

(a) In any city and county which so requests, the commission may adjust the inland boundary of the area within which the issuance of coastal development permits may be appealed to the commission pursuant to paragraph (1) of subdivision (a) of Section 30603. Any such adjustment shall be made solely to avoid the circumstances of having the boundary of that area bisect an individual parcel of property. The adjustment may be made landward or seaward, but shall be the minimum distance necessary, consistent with the policies of Chapter 3 (commencing with Section 30200), to avoid bisecting a parcel of property.

(b) If the commission subsequently finds that the circumstances which warranted a boundary adjustment pursuant to subdivision (a) have changed, it may, after notice to the city and county, readjust the boundary so that it is consistent with the changed circumstances. The requirements of subdivision (a) shall apply to any such boundary adjustment.

(Added by Ch. 43, Stats. 1982.)

Section 30604

(a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for that conclusion.

(b) After certification of the local coastal program, a coastal development permit shall be issued if the issuing agency or the commission on appeal finds that the proposed development is in conformity with the certified local coastal program.

(c) Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).

(d) No development or any portion thereof which is outside the coastal zone shall be subject to the coastal development permit requirements of this division, nor shall anything in this division authorize the denial of a coastal development permit by the commission on the grounds the proposed development within the coastal zone will have an adverse environmental effect outside the coastal zone.

(e) No coastal development permit may be denied under this division on the grounds that a public agency is planning or contemplating to acquire the property on, or property adjacent to the property on, which the proposed development is to be located, unless the public agency has been specifically authorized to acquire the property and there are funds available, or funds which could reasonably be expected to be made available within one year, for the acquisition. If a permit has been denied for that reason and the property has not been acquired by a public agency within a reasonable period of time, a permit may not be denied for the development on grounds that the property, or adjacent property, is to be acquired by a public agency when the application for such a development is resubmitted.

(Amended by Ch. 1075, Stats. 1978.)

(Amended by Ch. 919, Stats. 1979.)

(Amended by Ch. 285, Stats. 1991.)

Section 30605

To promote greater efficiency for the planning of any public works or state university or college or private university development projects and as an alternative to project-by-project review, plans for public works or state university or college or private university long-range land use development plans may be submitted to the commission for review in the same manner prescribed for the review of local coastal programs as set forth in Chapter 6 (commencing with Section 30500). If any plan for public works or state university or college development project is submitted prior to certification of the local coastal programs for the jurisdictions affected by the proposed public works, the commission shall certify whether the proposed plan is consistent with Chapter 3 (commencing with Section 30200). The commission shall, by regulation, provide for the submission and distribution to the public, prior to public hearings on the plan, detailed environmental information sufficient to enable the commission to determine the consistency of the plans with the policies of this division. If any such plan for public works is submitted after the certification of local coastal programs, any such plan shall be approved by the commission only if it finds, after full consultation with the affected local governments, that the proposed plan for public works is in conformity with certified local coastal programs in jurisdictions affected by the proposed public works. Each state university or college or private university shall coordinate and consult with local government in the preparation of long-range development plans so as to be consistent, to the fullest extent feasible, with the appropriate local coastal program. Where a plan for a public works or state university or college or private university development project has been certified by the commission, any subsequent review by the commission of a specific project contained in the certified plan shall be limited to imposing conditions consistent with Sections 30607 and 30607.1. A certified long-range development plan may be amended by the state university or college or private university, but no amendment shall take effect until it has been certified by the commission. Any proposed amendment shall be submitted to, and processed by, the commission in the same manner as prescribed for amendment of a local coastal program.

(Amended by Ch. 600, Stats. 1983.)

Section 30606

Prior to the commencement of any development pursuant to Section 30605, the public agency proposing the public works project, or state university or college or private university, shall notify the commission and other interested persons, organizations, and governmental agencies of the impending development and provide data to show that it is consistent with the certified public works plan or long-range development plan. No development shall take place within 30 working days after the notice.

(Amended by Ch. 600, Stats. 1983.)

Section 30607

Any permit that is issued or any development or action approved on appeal, pursuant to this chapter, shall be subject to reasonable terms and conditions in order to ensure that such development or action will be in accordance with the provisions of this division.

Section 30607.1

Where any dike and fill development is permitted in wetlands in conformity with Section 30233 or other applicable policies set forth in this division, mitigation measures shall include, at a minimum, either acquisition of equivalent areas of equal or greater biological productivity or opening up equivalent areas to tidal action; provided, however, that if no appropriate restoration site is available, an in-lieu fee sufficient to provide an area of equivalent productive value or surface areas shall be dedicated to an appropriate public agency, or the replacement site shall be purchased before the dike or fill development may proceed. The mitigation measures shall not be required for temporary or short-term fill or diking if a bond or other evidence of financial responsibility is provided to assure that restoration will be accomplished in the shortest feasible time.

(Amended by Ch. 1088, Stats. 1992.)

Section 30607.2

(a) Conditions requiring housing for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, which were incorporated into a coastal development permit issued prior to January 1, 1982, may, at the request of the permittee, be amended or modified by the commission or by a local government having the authority to issue coastal development permits. In approving such amendments or modifications, only those conditions and requirements authorized by Section 65590 of the Government Code may be imposed on the permittee.

(b) Any person who, prior to January 1, 1982 has been issued a coastal development permit which contains requirements for low and moderate-income housing but who, prior to January 1, 1982, has not performed substantial work on the development site (such as grading, installation of streets, sewers or utilities or construction of major buildings) may elect to proceed under either of the following options:

(1) To proceed pursuant to all of the requirements of the coastal development permit, in which event the provisions of subdivision (a) shall apply to any subsequent request to amend or alter the coastal development permit in regard to housing requirements.

(2) To proceed without complying with the housing requirements contained in the coastal development permit, in which event the housing requirements for the development shall be governed by Section 65590 of the Government Code.

(c) No new coastal development permit or amendment to any existing permit for a sewer project shall be denied, restricted, or conditioned in order to implement housing policies or programs.

(d) Nothing in this section shall authorize or require the modification or amendment to any terms or conditions of any previously issued coastal development permit which guarantees housing opportunities for persons and families of low or moderate income where the term or condition has been met through an agreement executed and recorded on or before January 1, 1982, between an applicant and the commission. For previously approved or issued permits which involve new construction of less than 10 residential units, an executed and recorded agreement guaranteeing housing opportunities for persons or families of low or moderate income, which has not been implemented by the transfer of an interest in real property or payment of a fee to a public agency or non profit association for the purpose of providing these housing opportunities, shall be voided if the applicant records the notice provided by the executive director of the commission. Further, nothing in this section shall impair the commission's authority to deny, restrict, or condition new permits or amendments to existing permits based on any requirement of this division.

(e) Nothing in this section authorizes or requires the modification of or amendment to any terms or conditions in Permit No.P-80-419 issued by the commission with respect to the reservation or administration of sewer capacity for affordable housing in the San Mateo County local coastal program.

(Added by Ch. 1007, Stats. 1981.)

(Amended by Ch. 43, Stats. 1982.)

(Amended by Ch. 1617, Stats. 1982.)

(Amended by Ch. 1500, Stats. 1984.)

Section 30607.5

Within the City of San Diego, the commission shall not impose or adopt any requirements in conflict with the provisions of the plan for the protection of vernal pools approved and adopted by the City of San Diego on June 17, 1980, following consultation with state and federal agencies, and approved and adopted by the United States Army Corps of Engineers in coordination with the United States Fish and Wildlife Service.

(Added by Ch. 892, Stats. 1980.)

Section 30608

(a) No person who has obtained a vested right in a development prior to the effective date of this division or who has obtained a permit from the California Coastal Zone Conservation Commission pursuant to the California Coastal Zone Conservation Act of 1972 (commencing with Section 27000) shall be required to secure approval for the development pursuant to this division; provided, however, that no substantial change may be made in any such development without prior approval having been obtained under this division.

Section 30608.5

The Legislature recognizes the unique circumstances applicable to Chapter 2.5 (commencing with Section 30150) because the coastal zone additions proposed therein are primarily intended to ensure application of the planning requirements of this division within such areas. Accordingly, no person who proposes a development on land which is added to the coastal zone by Chapter 2.5 (commencing with Section 30150) and who prior to July 1, 1979, has obtained from the city or county of jurisdiction a

building permit, grading permit, tentative map approval, or other similar permit defining the scope of the development to be undertaken, shall be required to obtain a coastal development permit in order to proceed with or complete the authorized development. The provisions of this section shall apply only to developments actually completed or where substantial work has actually been undertaken prior to July 1, 1981. The provisions of this section shall apply even in the event that completion of development is contingent upon subsequently obtaining one or more additional permits, licenses, or other entitlements from appropriate public agencies.

(Added by Ch. 1109, Stats. 1979.)

Section 30609

Where, prior to January 1, 1977, a permit was issued and expressly made subject to recorded terms and conditions that are not dedications of land or interests in land for the benefit of the public or a public agency pursuant to the California Coastal Zone Conservation Act of 1972 (commencing with Section 27000), the owner of real property which is the subject of such permit may apply for modification or elimination of the recordation of such terms and conditions pursuant to the provisions of this division. Such application shall be made in the same manner as a permit application. In no event, however, shall such a modification or elimination of recordation result in the imposition of terms or conditions which are more restrictive than those imposed at the time of the initial grant of the permit. Unless modified or deleted pursuant to this section, any condition imposed on a permit issued pursuant to the former California Coastal Zone Conservation Act of 1972 (commencing with Section 27000) shall remain in full force and effect.

Section 30609.5

(a) Except as provided in subdivisions (b) and (c), no state land that is located between the first public road and the sea, with an existing or potential public accessway to or from the sea, or that the commission has formally designated as part of the California Coastal Trail, shall be transferred or sold by the state to any private entity unless the state retains a permanent property interest in the land adequate to provide public access to or along the sea. In any transfer or sale of real property by a state agency to a private entity or person pursuant to this section, the instrument of conveyance created by the state shall require that the private entity or person or the entity or person's successors or assigns manage the property in such a way as to ensure that existing or potential public access is not diminished. The instrument of conveyance shall further require that any violation of this management requirement shall result in the reversion of the real property to the state.

(b) This section shall not apply to the transfer of state land to a non-profit organization that exists for the purposes of preserving lands for public use and enjoyment and meets the requirements of subdivision (b) of Section 831.5 of the Government Code.

(c) Notwithstanding the provisions of subdivision (a), state lands between the first public road and the sea, that are under the possession and control of the Department of Parks and Recreation or the State Coastal Conservancy, may be transferred or sold if the department or the conservancy makes one or more of the following findings at a noticed public hearing relating to the transfer or sale of the property:

(1) The state has retained or will retain, as a condition of the transfer or sale, permanent property interests on the land providing public access to or along the sea.

(2) Equivalent or greater public access to the same beach or shoreline area is provided for than would be feasible if the land were to remain in state ownership.

(3) The land to be transferred or sold is an environmentally sensitive area with natural resources that would be adversely impacted by public use, and the state will retain permanent property interests in the land that may be necessary to protect, or otherwise provide for the permanent protection of, those resources prior to or as a condition of the transfer or sale.

(4) The land to be transferred or sold has neither existing nor potential public accessway to the sea.

(d) Nothing in this section shall be construed to interfere with the management responsibilities of state resource agencies, including, but not limited to, the responsibilities to ensure public safety and implement the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code).

(e) As used in this section, "state land" means any real property in which the state or any state agency has an ownership interest including, but not limited to, a fee, title, easement, deed restriction, or other interest in land. It does not include land in which a city, county, city and county, or district has an ownership interest.

(f) Nothing in this section is intended to restrict a private property owner's right to sell or transfer private property.

(Added by Ch. 822, Stats. 1999.)

Section 30610

Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas:

(a) Improvements to existing single-family residences; provided, however, that the commission shall specify, by regulation, those classes of development which involve a risk of adverse environmental effect and shall require that a coastal development permit be obtained pursuant to this chapter.

(b) Improvements to any structure other than a single-family residence or a public works facility; provided, however, that the commission shall specify, by regulation, those types of improvements which (1) involve a risk of adverse environmental effect, (2) adversely affect public access, or (3) involve a change in use contrary to any policy of this division. Any improvement so specified by the commission shall require a coastal development permit.

(c) Maintenance dredging of existing navigation channels or moving dredged material from those channels to a disposal area outside the coastal zone, pursuant to a permit from the United States Army Corps of Engineers.

(d) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however, that if the commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter.

(e) Any category of development, or any category of development within a specifically defined geographic area, that the commission, after public hearing, and by two-thirds vote of its appointed members, has described or identified and with respect to which the commission has found that there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along, the coast and, where the exclusion precedes certification of the applicable local

coastal program, that the exclusion will not impair the ability of local government to prepare a local coastal program.

(f) The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to this division; provided, however, that the commission may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.

(g) (1) The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure.

(2) As used in this subdivision:

(A) "Disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.

(B) "Bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(C) "Structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

(h) Any activity anywhere in the coastal zone that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate, or use, as defined in Section 11003.5 of the Business and Professions Code. If any improvement to an existing structure is otherwise exempt from the permit requirements of this division, no coastal development permit shall be required for that improvement on the basis that it is to be made in connection with any conversion exempt pursuant to this subdivision. The division of a multiple-unit residential structure into condominiums, as defined in Section 783 of the Civil Code, shall not be considered a time-share project, estate, or use for purposes of this subdivision.

(i) (1) Any proposed development which the executive director finds to be a temporary event which does not have any significant adverse impact upon coastal resources within the meaning of guidelines adopted pursuant to this subdivision by the commission. The commission shall, after public hearing, adopt guidelines to implement this subdivision to assist local governments and persons planning temporary events in complying with this division by specifying the standards which the executive director shall use in determining whether a temporary event is excluded from permit requirements pursuant to this subdivision. The guidelines adopted pursuant to this subdivision shall be exempt from the review of the Office of Administrative Law and from the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(2) Exclusion or waiver from the coastal development permit requirements of this division pursuant to this subdivision does not diminish, waive, or otherwise prevent the commission from asserting and exercising its coastal development permit jurisdiction over any temporary event at any time if the commission determines that the exercise of its jurisdiction is necessary to implement the coastal resource protection policies of Chapter 3 (commencing with Section 30200).

(Amended by Ch. 1075, Stats. 1978.)

(Amended by Ch. 919, Stats. 1979.)

(Amended by Ch. 43, Stats. 1982.)

(Amended by Ch. 1470, Stats. 1982.)

Section 30610.1

(a) Prior to certification of the applicable local coastal program, no coastal development permit shall be required for the construction of a single-family residence on any vacant lot meeting the criteria set forth in subdivision (c) and located in a specified area designated by the commission pursuant to subdivision (b).

(b) Within 60 days from the effective date of this section, the commission shall designate specific areas in the coastal zone where the construction of a single-family residence on a vacant lot meeting the criteria set forth in subdivision (c) shall not require a coastal development permit. Areas shall be designated for the exclusion provided for in this section if construction of single-family residences within the area to be designated has no potential, either individually or cumulatively, for significant adverse impacts on highly scenic resources of public importance, on environmentally sensitive areas, on prime agricultural land or on agricultural lands currently in production, or on public access to or along the coast.

In addition, if septic tanks will be required or used, an area identified as having septic tank problems by the appropriate regional water quality control board or the State Water Resources Control Board in an approved basin plan or by other formal action of such board may not be designated for exclusion pursuant to this section.

(c) Within areas designated pursuant to subdivision (b), no coastal development permit shall be required for the construction of a single-family residence on any vacant lot which meets all of the following criteria:

(1) It is not located between the first public road and the sea or immediately adjacent to the inland extent of any beach or of the mean high tide line where there is no beach.

(2) Is a legal lot as of the effective date of this section and conforms with the minimum lot size and lot use designations of the applicable general plan and zoning ordinances.

(3) Is not located within an area known to the affected local government, or designated by any other public agency, as a geologic hazard area or as a flood hazard area, or, if located within such an area, it has been determined by the affected local government to be a safe site for the construction of a single-family residence.

(4) Is no more than 250 feet from an existing improved road adequate for use throughout the year.

(5) Can be served by an adequate water supply that is legally available for use either by means of a well or by means of a connection to a water system with sufficient capacity to serve such lot or lots; provided, that no such connection shall require the extension of an existing water main which would have the capacity of serving four or more additional single-family residential structures.

(d) The commission shall, within 120 days from the effective date of this section, specify uniform criteria that shall be used to determine the location of "the first public road" and the inland extent of any beach for purposes of paragraph (1) of subdivision (c).

(e) Within 30 days after the 120-day period specified in subdivision (b), the commission shall report the Legislature and the Governor what has been done to carry out the provisions of this section.

(f) The provisions of this section shall apply notwithstanding any other provision of this division to the contrary.

(Added by Ch. 919, Stats. 1979.)

Section 30610.2

(a) Any person wishing to construct a single-family residence on a vacant lot within an area designated by the commission pursuant to subdivision (b) of Section 30610.1 shall, prior to the commencement of construction, secure from the local government with jurisdiction over the lot in question a written certification or determination that the lot meets the criteria specified in subdivision (c) of Section 30610.1 and is therefore exempt from the coastal development permit requirements of this division. A copy of every certification of exemption shall be sent by the issuing local government to the commission within five working days after it is issued.

(b) If the commission does not designate the areas within the coastal zone as required by subdivision (b) of Section 30610.1 within the 60 days specified therein, a local government may make the certification authorized by subdivision (a) of this section without regard to the requirements of subdivision (b) of Section 30610.1.

(Added by Ch. 919, Stats. 1979.)

(Amended by Ch. 1087, Stats. 1980.)

(Amended by Ch. 285, Stats. 1991.)

Section 30610.3

(a) Whenever the commission determines (1) that public access opportunities through an existing subdivided area, which has less than 75 percent of the subdivided lots built upon, or an area proposed to be subdivided are not adequate to meet the public access requirements of this division and (2) that individual owners of vacant lots in such an area do not have the legal authority to comply with such public access requirements as a condition of securing a coastal development permit for the reason that some other person or persons has such legal authority, the commission shall implement such public access requirements as provided in this section.

(b) The commission, on its own motion or at the request of an affected property owner, shall identify an area as meeting the criteria specified in subdivision (a). After such an area has been identified, the commission shall, after appropriate public hearings adopt a specific public access program for such area and shall request that the State Coastal Conservancy, established pursuant to Division 21 (commencing with Section 31000), implement such program. Such access program shall include, but not be limited to, the identification of specific land areas and view corridors to be used for public access, any facilities or other development deemed appropriate, the commission's recommendations regarding the manner in which public access will be managed, and the types of permitted public uses. The State Coastal Conservancy shall, pursuant to its authority, implement such public access program.

(c) There is, in the General Fund, the Coastal Access Account. The State Coastal Conservancy shall be authorized to expend funds when appropriated from the Coastal Access Account for the purchase of lands and view easements and to pay for any development needed to carry out the public access program specified in subdivision (a). Not more than 5 percent of the amount of funds necessary to carry out each such public access program may be provided as a grant to the State Coastal Conservancy for its administrative costs incurred in carrying out the access program.

(d) The State Coastal Conservancy may enter into any agreement it deems necessary and appropriate with any state or local public agency or with a private association authorized to perform such functions for the operation and maintenance of any access facilities acquired or developed pursuant to this section.

(e) Every person receiving a coastal development permit or a certificate of exemption for development on any vacant lot within an area designated pursuant to this section shall, prior to the commencement of construction, pay to the commission, for deposit in the Coastal Access Account, an "in-lieu" public access fee. The amount of each such fee shall be determined by dividing the cost of acquiring the specified lands and view easements by the total number of lots within the identified area. The proportion of acquisition cost that can be allocated to lots built upon pursuant to permits that were not subject to public access conditions under this division or the California Coastal Zone Conservation Act of 1972 (former Division 18 (commencing with Section 27000)) shall be paid from the Coastal Access Account. An "in-lieu" public access fee may be in the form of an appropriate dedication, in which event the lots to which such dedication can be credited shall not be counted toward the total number of lots used in arriving at the "in-lieu" public access fee share for each remaining lot.

(f) For purposes of determining the acquisition costs specified in subdivision (e), the State Coastal Conservancy may, in the absence of a fixed price agreed to by both the State Coastal Conservancy and the seller, specify an estimated cost based on a formal appraisal of the value of the interest proposed to be acquired. The appraisal shall be conducted by an independent appraiser under contract with the State Coastal Conservancy and shall be completed within 120 days of the adoption of the specific public access program by the commission pursuant to subdivision (b). Such appraisal shall be deemed suitable for all purposes of the Property Acquisition Law (Part II, (commencing with Section 15850 of the Government Code)). For every year following public acquisition of the interests in land specified as part of a public access program and prior to payment of the required "in-lieu" fee, a carrying cost factor equal to 5 percent of the share attributable to each lot shall be added to any unpaid "in-lieu" public access fee; provided, however, that a lot owner in such area may pay the "in-lieu" public access fee at any time after public acquisition in order to avoid payment of the carrying cost factor.

(g) No provision of this section may be applied within any portion of the unincorporated area in the County of Sonoma, commonly known as the Sea Ranch.

(Added by Ch. 919, Stats, 1979.)

Section 30610.4

Upon establishment of an acquisition cost pursuant to subdivision (f) of Section 30610.3, the commission shall review the area in question to determine if all or some portion of that area meets the criteria specified in subdivision (b) of Section 30610.1 for areas within which no coastal development permit will be required from the commission for construction of single-family residences. Notwithstanding paragraph (1) of subdivision (c) of Section 30610.1, lots other than those immediately adjacent to any beach or to the mean high tide line where there is no beach can be included in such an exclusion area. If the commission determines an area designated pursuant to subdivision (b) of Section 30610.3 meets that criteria, the area shall be designated as one wherein no coastal development permit from the commission shall be required for the construction of single-family residences.

(b) Prior to the commencement of construction of any single-family residence within an area designated pursuant to this section, a certificate of exemption must be obtained pursuant to Section 30610.2 and the appropriate "in-lieu" public access fee shall be paid.

(Added by Ch. 919, Stats. 1979.)

(Amended by Ch. 285, Stats. 1991.)

Section 30610.5

Urban land areas shall, pursuant to the provisions of this section, be excluded from the permit provisions of this chapter.

(a) Upon the request of a local government, an urban land area, as specifically identified by such local government, shall, after public hearing, be excluded by the commission from the permit provisions of this chapter where both of the following conditions are met:

(1) The area to be excluded is either a residential area zoned and developed to a density of four or more dwelling units per acre on or before January 1, 1977, or a commercial or industrial area zoned and developed for such use on or before January 1, 1977.

(2) The commission finds both of the following:

(i) Locally permitted development will be infilling or replacement and will be in conformity with the scale, size, and character of the surrounding community.

(ii) There is no potential for significant adverse effects, either individually or cumulatively, on public access to the coast or on coastal resources from any locally permitted development; provided, however, that no area may be excluded unless more than 50 percent of the lots are built upon, to the same general density or intensity of use.

(b) Every exclusion granted under subdivision (a) of this section and subdivision of (e) Section 30610 shall be subject to terms and conditions to assure that no significant change in density, height, or nature of uses will occur without further proceedings under this division, and an order granting an exclusion under subdivision (e) of Section 30610, but not under subdivision (a) of this section may be revoked at any time by the commission, if the conditions of exclusion are violated. Tide and submerged land, beaches, and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, and all lands and waters subject to the public trust shall not be excluded under either subdivision (a) of this section or subdivision (e) of Section 30610.

(Amended by Ch. 1087, Stats. 1980.)

Section 30610.6

(a) The Legislature hereby finds and declares that it is in the public interest to provide by statute for the resolution of the lengthy and bitter dispute involving development of existing legal lots within the unincorporated area of Sonoma County, commonly known as the Sea Ranch. The reasons for the need to finally resolve this dispute include:

(1) Acknowledgment by the responsible regulatory agencies that development of existing lots at Sea Ranch can proceed consistent with the provisions of this division and other applicable laws provided certain conditions have been met. Development has been prevented at considerable costs to property owners because these conditions have not been met.

(2) That it has been, and continues to be, costly to Sea Ranch property owners and the public because of, among other reasons, extensive and protracted litigation, continuing administrative proceedings, and escalating construction costs.

(3) The need to provide additional public access to and along portions of the coast at the Sea Ranch in order to meet the requirements of this division. The continuation of this dispute prevents the public from enjoying the use of such access opportunities.

(4) The commission is unable to refund 118 "environmental deposits" to property owners because coastal development permit conditions have not been met.

(5) It appears likely that this lengthy dispute will continue unless the Legislature provides a solution, and the failure to resolve the dispute will be unfair to property owners and the public.

(b) The Legislature further finds and declares that because of the unique circumstances of this situation, the provisions of this section constitute the most expeditious and equitable mechanism to ensure a timely solution that is in the best property owners and that is consistent with the requirements of this division.

(c) If the Sea Ranch Association and Oceanic California, Inc. desire to take advantage of the terms of this section, they shall, not sooner than April 1, 1981, and not later than July 1, 1981, deposit into escrow deeds and other necessary documents that have been determined by the State Coastal Conservancy prior to their deposit in escrow to be legally sufficient to convey to the State Coastal Conservancy enforceable and nonexclusive public use easements free and clear of liens and encumbrances for the easements specifically described in this subdivision. Upon deposit of five hundred thousand dollars (\$500,000) into the same escrow account by the State Coastal Conservancy, but in no event later than 30 days after such deeds and other necessary documents have been deposited in the escrow account, the escrow agent shall transmit the five hundred thousand dollars (\$500,000), less the escrow, title, and administrative costs of the State Coastal Conservancy, in an amount not to exceed twenty thousand dollars (\$20,000), to the Sea Ranch Association and shall convey such deeds and other necessary documents to the State Coastal Conservancy. The conservancy shall subsequently convey such deeds and other necessary documents to an appropriate public agency that is authorized and agrees to accept such easements. The deeds specified in this subdivision shall be for the following easements:

(1) In Unit 34A, a 30-foot wide vehicle and pedestrian access easement from a point on State Highway 1, 50 feet north of a mile post marker 56.75, a day parking area for 10 vehicles, a 15-foot wide pedestrian accessway from the parking area continuing west to the bluff-top trail, and a 15-foot wide bluff-top pedestrian easement beginning at the southern boundary of Gualala Point County Park and continuing for approximately three miles in a southerly direction to the sandy beach at the northern end of Unit 28 just north of Walk-on Beach together with a 15-foot wide pedestrian easement to provide a connection to Walk-on Beach to the south.

(2) In Unit 24, a day parking area west of State Highway 1, just south of Whalebone Reach, for six vehicles, and a 15-foot wide pedestrian accessway over Sea Ranch Association common areas crossing Pacific Reach and continuing westerly to the southern portion of Shell Beach with a 15-foot wide pedestrian easement to connect with the northern portion of Shell Beach.

(3) In Unit 36, a 30-foot wide vehicle and pedestrian accessway from State Highway 1, mile post marker 53.96, a day parking area for 10 vehicles, and a 15-foot wide pedestrian accessway from the parking area to the beach at the intersection of Units 21 and 36.

(4) In Unit 17, adjacent to the intersection of Navigator's Reach and State Highway 1, 75 feet north of mile post marker 52.21, enough land to provide day parking for four vehicles and a 15-foot wide pedestrian accessway from the parking area to Pebble Beach.

(5) In Unit 8, a 30-foot wide vehicle and pedestrian accessway from State Highway 1, mile post marker 50.85, a day parking area for 10 vehicles and a 15-foot wide pedestrian accessway from the parking area to Black Point Beach.

(6) With respect to each of the beaches to which access will be provided by the easements specified in this subdivision, an easement for public use of the area between the line of mean high tide and either the toe of the adjacent bluff or the first line of vegetation, whichever is nearer to the water.

(7) Scenic view easements for those areas specified by the executive director, as provided in subdivision (d), and which easements allow for the removal of trees in order to restore and preserve scenic views from State Highway 1.

(d) The executive director of the commission shall, within 30 days after the effective date of this section, specifically identify the areas along State Highway 1 for which the scenic view easements provided for in paragraph (7) of subdivision (c) will be required. In identifying the areas for which easements for the restoration and preservation of public scenic views will be required, the executive director shall take into account the effect of tree removal so as to avoid causing erosion problems. It is the intent of the Legislature that only those areas be identified where scenic views to or along the coast are unique or particularly beautiful or spectacular and which thereby take on public importance. The restoration and preservation of the scenic view areas specified pursuant to this subdivision shall be at public expense.

(e) Within 30 days after the effective date of this section, the executive director of the commission shall specify design criteria for the height, site, and bulk of any development visible from the scenic view areas provided for in subdivision (d). Such criteria shall be enforced by the County of Sonoma if the deeds and other necessary documents specified in subdivision (c) have been conveyed to the State Coastal Conservancy. Such criteria shall be reasonable so as to enable affected property owners to build single-family residences of substantially similar overall size to those which property owners who are not affected by these criteria may build or have already built under the Sea Ranch Association's building design criteria. The purpose of such criteria is to ensure that development will not substantially detract from the specified scenic view areas.

(f) On and after the date on which the deeds and other necessary documents deposited in escrow pursuant to subdivision (c) have been conveyed to the State Coastal Conservancy, no additional public access requirements shall be imposed at the Sea Ranch pursuant to this division by any regional commission, the commission, any other state agency, or any local government. The Legislature hereby finds and declares that the provisions of the access facilities specified in this subdivision shall be deemed adequate to meet the requirements of this division.

(g) The realignment of internal roads within the Sea Ranch shall not be required by any state or local agency acting pursuant to the provisions of this division; provided, however, that appropriate easements may be required by the County of Sonoma to provide for the expansion of State Highway 1 for the development of turnout and left-turn lanes and for the location of a bicycle path, when the funds are made available for such purposes. The Legislature finds and declares that the provisions of this subdivision are adequate to meet the requirements of this division to ensure that new development at the Sea Ranch will not overburden the capacity of State Highway 1 to the detriment of recreational users.

(h) No coastal development permit shall be required pursuant to this division for the development of supplemental water supply facilities determined by the State Water Resources Control Board to be necessary to meet the needs of legally permitted development within the Sea Ranch. The commission, through its executive director, shall participate in the proceedings before the State Water Resources Control Board relating to such facilities and may recommend terms and conditions that the commission deems necessary to protect against adverse impacts on coastal zone resources. The State Water Resources Control Board shall condition any permit or other authorization for the development of such facilities so as to carry out the commission's recommendation, unless the State Water Resources Control Board determines that any such recommended terms or conditions are unreasonable. This subdivision shall become operative

if the deeds and other necessary documents specified in subdivision (c) have been conveyed to the State Coastal Conservancy.

(i) Within 90 days after the effective date of this section, the commission, through its executive director, shall specify criteria for septic tank construction, operation, and monitoring within the Sea Ranch to ensure protection of coastal zone resources consistent with the policies of this division. The North Coast Regional Water Quality Control Board shall review such criteria and adopt it, unless it finds such criteria or a portion thereof is unreasonable. The regional board shall be responsible for the enforcement of any such adopted criteria if the deeds and other necessary documents specified in subdivision (c) have been conveyed to the State Coastal Conservancy.

(j) Within 60 days after the date on which the deeds and other necessary documents deposited in escrow pursuant to subdivision (c) have been conveyed to the State Coastal Conservancy, the commission shall refund every Sea Ranch "environmental deposit" together with any interest earned on such deposit to the person, or his or her designee, who paid such deposit.

(k) Notwithstanding any other provision of law, on and after the date on which the deeds and other necessary documents deposited in escrow pursuant to subdivision (c) have been conveyed to the State Coastal Conservancy, a coastal development permit shall not be required pursuant to this division for the construction of any single-family residence dwelling on any vacant, legal lot existing at the Sea Ranch on the effective date of this section. With respect to any other development for which a coastal development permit is required within legally existing lots at the Sea Ranch, no conditions may be imposed pursuant to this division that impose additional public access requirements or that relate to supplemental water supply facilities, septic tank systems, or internal road realignment.

(l) Notwithstanding any other provision of law, if on July 1, 1981, deeds and other necessary documents that are legally sufficient to convey the easements specified in subdivision (c) have not been deposited in an escrow account, the provisions of this section shall no longer be operative and shall have no force or effect and thereafter all the provisions of this division in effect prior to enactment of this section shall again be applicable to any development within the Sea Ranch.

(m) The Legislature hereby finds and declares that the provisions for the settlement of this dispute, especially with respect to public access, as set forth in this section provide an alternative to and are equivalent to the provisions set forth in Section 30610.3. The Legislature further finds that the provisions of this section are not in lieu of the permit and planning requirements of this division but rather provide for an alternative mechanism to Section 30610.3 for the resolution of outstanding issues at the Sea Ranch.

(Added by Ch. 1371, Stats. 1980.)

Section 30610.8

(a) The Legislature hereby finds and declares that a dispute exists at the Hollister Ranch in Santa Barbara County with respect to the implementation of public access policies of this division and that it is in the interest of the state and the property owners at the Hollister Ranch to resolve this dispute in an expeditious manner. The Legislature further finds and declares that public access should be provided in a timely manner and that in order to achieve this goal, while permitting property owners to commence construction, the provisions of this section are necessary to promote the public's welfare.

(b) For purposes of Section 30610.3 and with respect to the Hollister Ranch public access program, the in-lieu fee shall be five thousand dollars (\$5,000) for each permit. Upon payment by the applicant for a coastal development permit of this in-lieu fee to the State Coastal Conservancy for use in implementing the public access program, the applicant may immediately commence construction if the other conditions of

the coastal development permit, if any, have been met. No condition may be added to a coastal development permit that was issued prior to the effective date of this section for any development at the Hollister Ranch.

(c) It is the intent of the Legislature that the State Coastal Conservancy and the State Public Works Board utilize their authority provided under law to implement, as expeditiously as possible, the public access policies and provisions of this division at the Hollister Ranch in Santa Barbara County.

(d) Notwithstanding provision 2 of category (2) of Item 3760-490-721 of the Budget Act of 1984, all in-lieu fees received pursuant to this section shall be deposited in the State Coastal Conservancy Fund and shall be available for appropriation to the conservancy for the purposes specified in subdivision (d) of Section 5096.151.

(Added by Ch. 43, Stats. 1982.)

(Amended by Ch. 1551, Stats. 1984.)

Section 30610.9

(a) This section applies only if the governing body of a local government elects to designate the commission as the processing and permitting authority for purposes of this section.

(b) In order to expedite the processing of an application for a coastal development permit for a motion picture, television, or commercial production project in the coastal zone, the governing body of a local government with a certified local coastal program may elect to designate the commission as the appropriate authority to process and issue a coastal development permit for a temporary, nonrecurring location set, if the production activity, including preparation, construction, filming, and set removal at the site will not exceed 190 days, in accordance with the following procedures:

(1) The applicant shall submit a copy of the commission's coastal development permit application, or the local coastal development permit application, to the local government. The governing body of the local government may elect to designate the commission as the processing and permitting authority on a project-by-project basis. The governing body may designate the local coastal administrator or other designee as the decision-making authority to decide the projects that will be transmitted to the commission for processing and permitting.

(2) If the governing body of the local government elects to designate the commission as the processing and permitting authority for a project, all documents and changes submitted to the commission during the course of the application process shall also be submitted to the local government for informational purposes. The local government may transmit any recommendations it may have for the project to the commission.

(3) If the commission issues an administrative permit for a project, rather than a coastal development permit, the local coastal administrator, other designee, or governing body, as the case may be, may object to the commission regarding the issuance of that permit.

(4) The applicant shall obtain all local noncoastal use permits in connection with the project. The approval of the commission's coastal development permit shall be conditioned on the approval of the local noncoastal permits.

(5) The applicant shall transmit all complaints and comments from residents and business owners in connection with the filming activity to the commission for consideration prior to the approval of the application.

(6) The applicant shall obtain all other applicable permits required by state and federal jurisdictions in connection with the project.

(Added by Ch. 491, Stats. 1999.)

Section 30611

When immediate action by a person or public agency performing a public service is required to protect life and public property from imminent danger, or to restore, repair, or maintain public works, utilities, or services destroyed, damaged, or interrupted by natural disaster, serious accident, or in other cases of emergency, the requirements of obtaining any permit under this division may be waived upon notification of the executive director of the commission of the type and location of the work within three days of the disaster or discovery of the danger, whichever occurs first. Nothing in this section authorizes permanent erection of structures valued at more than twenty-five thousand dollars (\$25,000).

Section 30612

An application for a coastal development permit to demolish a structure shall not be denied unless the agency authorized to issue that permit, or the commission, on appeal, where appeal is authorized by this division, finds, based on a preponderance of the evidence, that retention of that structure is feasible.

(Amended by Ch. 1173, Stats. 1981.)

Section 30613

(a) The provisions of subdivision (b) of Section 30519, subdivision (b) of Section 30600, and subdivision (b) of Section 30610.5, which apply to lands subject to the public trust shall not apply to any lands which may be subject to the public trust but which the commission, after consultation with the State Lands Commission, determines are (1) filled and developed and are (2) located within an area which is committed to urban uses.

(b) No later than 120 days after receiving a request from a local government, the commission shall determine the lands within the jurisdiction of that local government to which the provisions of subdivision (a) apply.

(c) The provisions of this section shall apply to lands which have been the subject of coastal development permits, local coastal program, categorical exclusions or urban exclusions, which have previously been approved, authorized, or certified by the commission.

(Added by Ch. 43, Stats. 1982.)

ARTICLE 2

DEVELOPMENT CONTROL PROCEDURES

Section 30620

(a) By January 30, 1977, the commission shall, consistent with this chapter, prepare interim procedures for the submission, review, and appeal of coastal development permit applications and of claims of exemption. These procedures shall include, but are not limited to, the following:

(1) Application and appeal forms.

(2) Reasonable provisions for notification to the commission and other interested persons of any action taken by a local government pursuant to this chapter, in sufficient detail to ensure that a preliminary review of that action for conformity with this chapter can be made.

(3) Interpretive guidelines designed to assist local governments, the commission, and persons subject to this chapter in determining how the policies of this division shall be applied in the coastal zone prior to the certification of local coastal programs. However, the guidelines shall not supersede, enlarge, or diminish the powers or authority of the commission or any other public agency.

(b) Not later than May 1, 1977, the commission shall, after public hearing, adopt permanent procedures that include the components specified in subdivision (a) and shall transmit a copy of those procedures to each local government within the coastal zone and make them readily available to the public. The commission may thereafter, from time to time, and, except in cases of emergency, after public hearing, modify or adopt additional procedures or guidelines that the commission determines to be necessary to better carry out this division.

(c) (1) The commission may require a reasonable filing fee and the reimbursement of expenses for the processing by the commission of any application for a coastal development permit under this division and, except for local coastal program submittals, for any other filing, including, but not limited to, a request for revocation, categorical exclusion, or boundary adjustment, submitted for review by the commission.

(2) Any coastal development permit fees collected by the commission under paragraph (1) shall be deposited in the Coastal Access Account, which is hereby created in the State Coastal Conservancy Fund. The money in the account shall be available, upon appropriation by the Legislature in the annual Budget Act, to the State Coastal Conservancy for grants to public agencies and private nonprofit entities or organizations for the development, maintenance, and operation of new or existing facilities that provide public access to the shoreline of the sea, as defined in Section 30115. Any grant funds that are not expended for those purposes shall revert to the account. Nothing in this paragraph authorizes an increase in fees or creates any new authority on the part of the commission.

(d) With respect to any appeal of an action taken by a local government pursuant to Section 30602 or 30603, the executive director shall, within five working days of receipt of an appeal from any person

other than members of the commission or any public agency, determine whether the appeal is patently frivolous. If the executive director determines that an appeal is patently frivolous, the appeal shall not be filed unless a filing fee in the amount of three hundred dollars (\$300) is deposited with the commission within five working days of the receipt of the executive director's determination. If the commission subsequently finds that the appeal raises a substantial issue, the filing fee shall be refunded

(Amended by Ch. 285, Stats. 1991.)

(Amended by Ch. 802, Stats. 1991.)

(Amended by Ch. 427, Stats. 1992.)

(Amended by Ch. 753, Stats. 1993.)

(Amended by Ch. 669, Stats. 1995.)

(Amended by Ch. 782, Stats. 1997.)

Section 30620.5

(a) A local government may exercise the option provided in subdivision (b) of Section 30600, if it does so for the entire area of its jurisdiction within the coastal zone and after it establishes procedures for the issuance of coastal development permits. Such procedures shall incorporate, where applicable, the interpretive guidelines issued by the commission pursuant to Section 30620.

(b) If a local government elects to exercise the option provided in subdivision (b) of Section 30600, the local government shall, by resolution adopted by the governing body of such local government, notify the commission and shall take appropriate steps to assure that the public is properly notified of such action. The provisions of subdivision (b) of Section 30600 shall take effect and shall be exercised by the local government on the 10th working day after the date on which the resolution required by this subdivision is adopted.

(c) Every local government exercising the option provided in subdivision (b) of Section 30600 or acting on coastal development permits prior to certification of its local coastal program pursuant to Sections 30520, 30600.5, and 30624, shall within five working days notify the commission and any person who, in writing, has requested such notification, in the manner prescribed by the commission pursuant to Section 30600.5 or 30620, of any coastal development permit it issues.

(d) Within five working days of receipt of the notice required by subdivision (c), the executive director of the commission shall post, at a conspicuous location in the commission's office, a description of the coastal development permit issued by the local government. Within 15 working days of receipt of such notice, the executive director shall, in the manner prescribed by the commission pursuant to subdivision (a) of Section 30620, provide notice of the locally issued coastal development permit to members of the commission.

(Added by Stats. 1976.)

(Amended by Stats. 1981.)

Section 30620.6

The commission shall, not later than August 1, 1978, and after public hearing, adopt public notice and appeal procedures for the review of development projects appealable pursuant to Sections 30603 and 30715. The commission shall send copies of such procedures to every local government within the coastal zone and shall make them readily available to the public.

Section 30621

(a) The commission shall provide for a de novo public hearing on applications for coastal development permits and any appeals brought pursuant to this division and shall give to any affected person a written public notice of the nature of the proceeding and of the time and place of the public hearing. Notice shall also be given to any person who requests, in writing, such notification. A hearing on any coastal development permit application or an appeal shall be set no later than 49 days after the date on which the application or appeal is filed with the commission.

(b) An appeal that is properly submitted shall be considered to be filed when any of the following occurs

(1) The executive director determines that the appeal is not patently frivolous pursuant to subdivision (d) of Section 30620.

(2) The five-day period for the executive director to determine whether an appeal is patently frivolous pursuant to subdivision (d) of Section 30620 expires without that determination.

(3) The appellant pays the filing fee within the five-day period set forth in subdivision (d) of Section 30620.

(Amended by Ch. 1075, Stats. 1978.)

(Amended by Ch. 919, Stats. 1979.)

(Amended by Ch. 285, Stats. 1991.)

(Amended by Ch. 669, Stats. 1995.)

Section 30622

The commission shall act upon the coastal development permit application or an appeal within 21 days after the conclusion of the hearing pursuant to Section 30621.

(Amended by Ch. 285, Stats. 1991.)

Section 30623

If an appeal of any action on any development by any local government or port governing body is filed with the commission, the operation and effect of that action shall be stayed pending a decision on appeal.

(Amended by Ch. 285, Stats. 1991.)

Section 30624

(a) The commission shall provide, by regulation, for the issuance of coastal development permits by the executive director of the commission or, where the coastal development permit authority has been delegated to a local government pursuant to Section 30600.5, by an appropriate local official designated by resolution of the local government without compliance with the procedures specified in this chapter in cases of emergency, other than an emergency provided for under Section 30611, and for the following nonemergency developments: improvements to any existing structure; any single-family dwelling; any development of four dwelling units or less within any incorporated area that does not require demolition, and any other developments not in excess of one hundred thousand dollars (\$100,000) other than any division of land, and any development specifically authorized as a principal permitted use and proposed in an area for which the land use portion of the applicable local coastal program has been certified. Such permit for nonemergency development shall not be effective until after reasonable public notice and adequate time for the review of such issuance has been provided.

(b) If one-third of the appointed membership of the commission so request; at the first meeting following the issuance of such permit by the executive director, such issuance shall not be effective, and, instead, the application shall be processed in accordance with the commission's procedures for permits and pursuant to the provisions of this chapter.

(c) Any permit issued by a local official pursuant to the provisions of this section shall be scheduled on the agenda of the governing body of the local agency at its first scheduled meeting after that permit has been issued. If, at that meeting, one-third of the members of that governing body so request, the permit issued by the local official shall not go into effect and the application for a coastal development permit shall be processed by the local government pursuant to Section 30600.5.

(d) No monetary limitations shall be required for emergencies covered by the provisions of this section.

(Amended by Ch. 1075, Stats. 1978.)

(Amended by Ch. 919, Stats. 1179.)

(Amended by Ch. 1173, Stats. 1981.)

(Amended by Ch. 43, Stats. 1982.)

Section 30624.7

The commission may, after a public hearing, by regulation, adopt procedures for the issuance by the executive director of waivers from coastal development permit requirements for any development that is de minimis. A proposed development is de minimis if the executive director determines that it involves no potential for any adverse effect, either individually or cumulatively, on coastal resources and that it will be consistent with the policies of Chapter 3 (commencing with Section 30200).

A waiver shall not take effect until it has been reported to the commission at the regularly scheduled meeting following its issuance by the executive director. If one-third of the appointed membership of the commission so request, at this meeting, such issuance shall not be effective and, instead, an application for a coastal development permit shall be required and processed in accordance with the provisions of this chapter.

(Added by Ch. 43, Stats. 1982.)

Section 30624.9

(a) For purposes of this section, "minor development" means a development which a local government determines satisfies all of the following requirements:

- (1) Is consistent with the certified local coastal program, as defined in Section 30108.6.
- (2) Requires no discretionary approvals other than a coastal development permit.
- (3) Has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

(b) After certification of its local coastal program, a local government may waive the requirement for a public hearing on a coastal development permit application for a minor development only if both of the following occur:

(1) Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice.

(2) No request for public hearing is received by the local government within 15 working days from the date of sending the notice pursuant to paragraph (1).

(c) The notice provided pursuant to subdivision (b) shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal to the commission any action taken by a local government on a coastal development permit application.

(Added by Ch. 669, Stats. 1995.)

Section 30625

(a) Except as otherwise specifically provided in subdivision (a) of Section 30602, any appealable action on a coastal development permit or claim of exemption for any development by a local government or port governing body may be appealed to the commission by an applicant, any aggrieved person, or any two members of the commission. The commission may approve, modify, or deny such proposed development, and if no action is taken within the time limit specified in Sections 30621 and 30622, the decision of the local government or port governing body, as the case may be, shall become final, unless the time limit in Section 30621 or 30622 is waived by the applicant.

(b) The commission shall hear an appeal unless it determines the following:

(1) With respect to appeals pursuant to subdivision (a) of Section 30602, that no substantial issue exists as to conformity with Chapter 3 (commencing with Section 30200).

(2) With respect to appeals to the commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.

(3) With respect to appeals to the commission after certification of a port master plan, that no substantial issue exists as to conformity with the certified port master plan.

(c) Decisions of the commission, where applicable, shall guide local governments or port governing bodies in their future actions under this division.

(Amended by Ch. 43, Stats. 1982.)

(Amended by Ch. 285, Stats. 1991.)

Section 30626

The commission may, by regulation, provide for the reconsideration of the terms and conditions of any coastal development permit granted by the commission solely for the purpose of correcting any information contained in those terms and conditions.

(Amended by Ch. 285, Stats. 1991.)

Section 30627

(a) The commission shall, by regulation, provide procedures which the commission shall use in deciding whether to grant reconsideration of any of the following:

(1) Any decision to deny an application for a coastal development permit.

(2) Any term or condition of a coastal development permit which has been granted.

(b) The procedures required by subdivision (a) shall include at least the following provisions:

(1) Only an applicant for a coastal development permit shall be eligible to request reconsideration.

(2) The request for reconsideration shall be made within 30 days of the decision on the application for a coastal development permit.

(3) The basis of the request for reconsideration shall be either that there is relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the hearing on the matter or that an error of fact or law has occurred which has the potential of altering the initial decision.

(4) The commission shall have the discretion to grant or deny requests for reconsideration.

(c) A decision to deny a request for reconsideration is not subject to appeal.

(d) This section shall not alter any right otherwise provided by this division to appeal an action; provided, that a request for reconsideration shall be made only once for any one development application, and shall, for purposes of any time limits specified in Sections 30621 and 30622, be considered a new application.

(Added by Ch. 919, Stats. 1979.)

(Amended by Ch. 285, Stats. 1991.)

CHAPTER 8

PORTS

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ARTICLE I

FINDINGS AND GENERAL PROVISIONS

Section 30700

For purposes of this division, notwithstanding any other provisions of this division except as specifically stated in this chapter, this chapter shall govern those portions of the Ports of Hueneme, Long Beach, Los Angeles, and San Diego Unified Port District located within the coastal zone, but excluding any wetland, estuary, or existing recreation area indicated in Part IV of the coastal plan.

(Amended by Ch. 714, Stats. 1981.)

Section 30700.5

The definitions of Chapter 2 (commencing with Section 30100) and the provisions of Chapter 9 (commencing with Section 30800) and Section 30900 shall apply to this chapter.

Section 30701

The Legislature finds and declares that:

(a) The ports of the State of California, including the Humboldt Bay Harbor, Recreation, and Conservation District, constitute one of the state's primary economic and coastal resources and are an essential element of the national maritime industry.

(b) The location of the commercial port districts within the State of California, including the Humboldt Bay Harbor, Recreation, and Conservation District, are well established, and for many years such areas have been devoted to transportation and commercial, industrial, and manufacturing uses consistent with federal, state and local regulations. Coastal planning requires no change in the number or location of the established commercial port districts. Existing ports, including the Humboldt Bay Harbor, Recreation, and Conservation District, shall be encouraged to modernize and construct necessary facilities within their boundaries in order to minimize or eliminate the necessity for future dredging and filling to create new ports in new areas of the state.

(Amended by Ch. 515 Stats. 1977.)

ARTICLE 2

POLICIES

Section 30702

For purposes of this division, the policies of the state with respect to providing for port-related developments consistent with coastal protection in the port areas to which this chapter applies, which require no commission permit after certification of a port master plan and which, except as provided in Section 30715, are not appealable to the commission after certification of a master plan, are set forth in this chapter.

Section 30703

The California commercial fishing industry is important to the State of California; therefore, ports shall not eliminate or reduce existing commercial fishing harbor space, unless the demand for commercial fishing facilities no longer exists or adequate alternative space has been provided. Proposed recreational boating facilities within port areas shall, to the extent it is feasible to do so, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

Section 30704

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Section 30705

(a) Water areas may be diked, filled, or dredged when consistent with a certified port master plan only for the following:

- (1) Such construction, deepening, widening, lengthening, or maintenance of ship channel approaches, ship channels, turning basins, berthing areas, and facilities as are required for the safety and the accommodation of commerce and vessels to be served by port facilities.
- (2) New or expanded facilities or waterfront land for port-related facilities.
- (3) New or expanded commercial fishing facilities or recreational boating facilities.
- (4) Incidental public service purposes, including, but not limited to, burying cables or pipes or inspection of piers and maintenance of existing intake and outfall lines.
- (5) Mineral extraction, including sand for restoring beaches, except in biologically sensitive areas.
- (6) Restoration purposes or creation of new habitat areas.
- (7) Nature study, mariculture, or similar resource-dependent activities.
- (8) Minor fill for improving shoreline appearance or public access to the water.

(b) The design and location of new or expanded facilities shall, to the extent practicable, take advantage of existing water depths, water circulation, siltation patterns, and means available to reduce controllable sedimentation so as to diminish the need for future dredging.

(c) Dredging shall be planned, scheduled, and carried out to minimize disruption to fish and bird breeding and migrations, marine habitats, and water circulation. Bottom sediments or sediment elutriate shall be analyzed for toxicants prior to dredging or mining, and where water quality standards are met, dredge spoils may be deposited in open coastal water sites designated to minimize potential adverse impacts on marine organisms, or in confined coastal waters designated as fill sites by the master plan where such spoil can be isolated and contained, or in fill basins on upland sites. Dredge material shall not be transported from coastal waters into estuarine or fresh water areas for disposal.

(d) For water areas to be diked, filled, or dredged, the commission shall balance and consider socioeconomic and environmental factors.

(Amended by Ch. 310, Stats. 1984.)

Section 30706

In addition to the other provisions of this chapter, the policies contained in this section shall govern filling seaward of the mean high tide line within the jurisdiction of ports:

(a) The water area to be filled shall be the minimum necessary to achieve the purpose of the fill.

(b) The nature, location, and extent of any fill, including the disposal of dredge spoils within an area designated for fill, shall minimize harmful effects to coastal resources, such as water quality, fish or wildlife resources, recreational resources, or sand transport systems, and shall minimize reductions of the volume, surface area, or circulation of water.

(c) The fill is constructed in accordance with sound safety standards which will afford reasonable protection to persons and property against the hazards of unstable geologic or soil conditions or of flood or storm waters.

(d) The fill is consistent with navigational safety.

Section 30707

New or expanded tanker terminals shall be designed and constructed to do all of the following:

(a) Minimize the total volume of oil spilled.

(b) Minimize the risk of collision from movement of other vessels.

(c) Have ready access to the most effective feasible oil spill containment and recovery equipment.

(d) Have onshore deballasting facilities to receive any fouled ballast water from tankers where operationally or legally required.

Section 30708

All port-related developments shall be located, designed, and constructed so as to:

- (a) Minimize substantial adverse environmental impacts.
- (b) Minimize potential traffic conflicts between vessels.
- (c) Give highest priority to the use of existing land space within harbors for port purposes, including, but not limited to, navigational facilities, shipping industries, and necessary support and access facilities.
- (d) Provide for other beneficial uses consistent with the public trust, including, but not limited to, recreation and wildlife habitat uses, to the extent feasible.
- (e) Encourage rail service to port areas and multicompany use of facilities.

ARTICLE 3

IMPLEMENTATION: MASTER PLAN

Section 30710

Within 90 days after January 1, 1977, the commission shall, after public hearing, adopt, certify, and file with each port governing body a map delineating the present legal geographical boundaries of each port's jurisdiction within the coastal zone. The Commission shall, within such 90-day period, adopt and certify after public hearing, a map delineating boundaries of any wetland, estuary, or existing recreation area indicated in Part IV of the coastal plan within the geographical boundaries of each port.

Section 30711

(a) A port master plan that carries out the provisions of this chapter shall be prepared and adopted by each port governing body, and for informational purposes, each city, county, or city and county which has a port within its jurisdiction shall incorporate the certified port master plan in its local coastal program. A port master plan shall include all of the following:

- (1) The proposed uses of land and water areas, where known.
- (2) The projected design and location of port land areas, water areas, berthing, and navigation ways and systems intended to serve commercial traffic within the area of jurisdiction of the port governing body.
- (3) An estimate of the effect of development on habitat areas and the marine environment, a review of existing water quality, habitat areas, and quantitative and qualitative biological inventories, and proposals to minimize and mitigate any substantial adverse impact.
- (4) Proposed projects listed as appealable in Section 30715 in sufficient detail to be able to determine their consistency with the policies of Chapter 3 (commencing with Section 30200) of this division.
- (5) Provisions for adequate public hearings and public participation in port planning and development decisions.

(b) A port master plan shall contain information in sufficient detail to allow the commission to determine its adequacy and conformity with the applicable policies of this division.

Section 30712

In the consideration and approval of a proposed port master plan, the public, interested organizations, and governmental agencies shall be encouraged to submit relevant testimony, statements, and evidence which shall be considered by the port governing body. The port governing body shall publish notice of the completion of the draft master plan and submit a copy thereof to the commission and shall, upon request, provide copies to other interested persons, organizations, and governmental agencies. Thereafter, the port governing body shall hold a public hearing on the draft master plan not earlier than 30 days and not later than 90 days following the date the notice of completion was published.

Section 30713

Ports having completed a master plan prior to January 1, 1977, shall submit a copy thereof to the commission and hold a public hearing in accordance with the provisions of Section 30712 for the purpose of reviewing such master plan for conformity with the applicable provisions of this division and, if necessary, adopting such changes as would conform such plan to the applicable provisions of this division. Notice of completion of a master plan shall not be filed prior to January 2, 1977.

Section 30714

After public notice, hearing, and consideration of comments and testimony received pursuant to Sections 30712 and 30713, the port governing body shall adopt its master plan and submit it to the commission for certification in accordance with this chapter. Within 90 days after the submittal, the commission, after public hearing, shall certify the plan or portion of a plan and reject any portion of a plan which is not certified. The commission may not modify the plan as submitted as the condition of certification. If the commission rejects any portion of a plan, it shall base that rejection upon written findings of fact and conclusion of law. If the commission fails to take action within the 90-day period, the port master plan shall be deemed certified. The commission shall certify the plan, or portion of a plan, if the commission finds both of the following:

- (a) The master plan, or certified portions thereof, conforms with and carries out the policies of this chapter.
- (b) Where a master plan, or certified portions thereof, provide for any of the developments listed as appealable in Section 30715, the development or developments are in conformity with all the policies of Chapter 3 (commencing with Section 30200).

(Amended by Ch. 651, Stats. 1981.)

Section 30715

(a) Until such time as a port master plan or any portion thereof has been certified, the commission shall permit developments within ports as provided for in Chapter 7 (commencing with Section 30600). After a port master plan or any portion thereof has been certified, the permit authority of the commission provided in Chapter 7 (commencing with Section 30600) shall no longer be exercised by the commission over any new development contained in the certified plan or any portion thereof and shall at that time be delegated to the appropriate port governing body, except that approvals of any of the following categories of development by the port governing body may be appealed to the commission:

- (1) Developments for the storage, transmission, and processing of liquefied natural gas and crude oil in such quantities as would have a significant impact upon the oil and gas supply of the state or nation or both the state and nation. A development which has a significant impact shall be defined in the master plans.
- (2) Waste water treatment facilities, except for those facilities which process waste water discharged incidental to normal port activities or by vessels.
- (3) Roads or highways which are not principally for internal circulation within the port boundaries.
- (4) Office and residential buildings not principally devoted to the administration of activities within the port; hotels, motels, and shopping facilities not principally devoted to the sale of commercial goods utilized for water-oriented purposes; commercial fishing facilities; and recreational small craft marina related facilities.

(5) Oil refineries.

(6) Petrochemical production plants.

(b) If maintenance dredging is part of, or is associated with, any category of development specified in paragraphs (1) to (6), inclusive, of subdivision (a), the commission shall not consider that maintenance dredging in its review and approval of those categories.

(Amended by Ch. 584, Stats. 1983.)

Section 30715.5

No developments within the area covered by the certified port master plan shall be approved by the port governing body unless it finds that the proposed development conforms with such certified plan.

Section 30716

(a) A certified port master plan may be amended by the port governing body, but no such amendment shall take effect until it has been certified by the commission. Any proposed amendment shall be submitted to, and processed by, the commission in the same manner as provided for submission and certification of a port master plan.

(b) The commission shall, by regulation, establish a procedure whereby proposed amendments to a certified port master plan may be reviewed and designated by the executive director of the commission as being minor in nature and need not comply with Section 30714. Such amendments shall take effect on the 10th working day after the executive director designates such amendments as minor.

(c)(1) The executive director may determine that a proposed certified port master plan amendment is de minimis if the executive director determines that the proposed amendment would have no impact, either individually or cumulatively, on coastal resources, is consistent with the policies of Chapter 3 (commencing with Section 30200), and meets the following criteria:

(A) The port governing body, at least 21 days prior to the date of submitting the proposed amendment to the executive director, has provided public notice, and provided a copy to the commission, which specifies the dates and places where comments will be accepted on the proposed amendment, contains a brief description of the proposed amendment, and states the address where copies of the proposed amendment are available for public review, by one of the following procedures:

(i) Publication, not fewer times than required by Section 6061 of the Government Code, in a newspaper of general circulation in the area affected by the proposed amendment. If more than one area will be affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.

(ii) Posting of the notice by the port governing body both onsite and offsite in the area affected by the proposed amendment.

(iii) Direct mailing to the owners and occupants of contiguous property shown on the latest equalized assessment roll.

(B) The proposed amendment does not propose any change in land use or water uses or any change in the allowable use of property.

(2) At the time that the port governing body submits the proposed amendment to the executive director, the port governing body shall also submit to the executive director any public comments that were received during the comment period provided pursuant to subparagraph (A) of paragraph (1).

(3)(A) The executive director shall make a determination as to whether the proposed amendment is de minimis within 10 working days from the date of submittal by the local government. If the proposed amendment is determined to be de minimis, the proposed amendment shall be noticed in the agenda of the next regularly scheduled meeting of the commission, in accordance with Section 11125 of the Government Code, and any public comments forwarded by the port governing body shall be made available to the members of the commission.

(B) If three members of the commission object to the executive director's determination that the proposed amendment is de minimis, the proposed amendment shall be set for public hearing in accordance with the procedures specified in subdivision (b), or as specified in subdivision (c) if applicable, as determined by the executive director, or, at the request of the port governing body, returned to the local government. If set for public hearing under subdivision (b), the time requirements set by this section and Section 30714 shall commence from the date on which the objection to the de minimis designation was made.

(C) If three or more members of the commission do not object to the de minimis determination, the de minimis amendment shall become a part of the certified port master plan 10 days from the date of the commission meeting.

(4) The commission may, after a noticed public hearing, adopt guidelines to implement this subdivision, which shall be exempt from review by the Office of Administrative Law and from Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The commission shall file any guidelines adopted pursuant to this paragraph with the Office of Administrative Law.

(Amended by Ch. 525, Stats. 1994.)

Section 30717

The governing bodies of ports shall inform and advise the commission in the planning and design of appealable developments authorized under this chapter, and prior to commencement of any appealable development, the governing body of a port shall notify the commission and other interested persons, organizations, and governmental agencies of the approval of a proposed appealable development and indicate how it is consistent with the appropriate port master plan and this division. An approval of the appealable development by the port governing body pursuant to a certified port master plan shall become effective after the 10th working day after notification of its approval, unless an appeal is filed with the commission within that time. Appeals shall be filed and processed by the commission in the same manner as appeals from local government actions as set forth in Chapter 7 (commencing with Section 30600) of this division. No appealable development shall take place until the approval becomes effective.

Section 30718

For developments approved by the commission in a certified master plan, but not appealable under the provisions of this chapter, the port governing body shall forward all environmental impact reports and negative declarations prepared pursuant to the Environmental Quality Act of 1970 (commencing with Section 21000) or any environmental impact statements prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.) to the commission in a timely manner for comment.

Section 30719

Any development project or activity authorized or approved pursuant to the provisions of this chapter shall be deemed certified by the commission as being in conformity with the coastal zone management program insofar as any such certification is requested by any federal agency pursuant to the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451, et seq.), National Oceanic and Atmospheric Administration, and memoranda of understanding between the state and federal governments relative thereto.

Section 30720

If the application of any port master plan or part thereof is prohibited or stayed by any court, the permit authority provided for in Chapter 7 (commencing with Section 30600) shall be reinstated in the commission. The reinstated permit authority shall apply as to any development which would be affected by the prohibition or stay.

(Amended by Ch. 285, Stats. 1991.)

Section 30721

(a) The Legislature recognizes that Port Hueneme is unique in its relationship to the coast in that it is the only deep water port operated by a harbor district, and is without access to city or county funds. Therefore, the governing body of Port Hueneme may claim reimbursement of costs it incurs in the preparation and certification of a port master plan as required by this chapter.

(b) Prior to submitting any claim for reimbursement, the governing body of the port shall submit its proposed claims to the executive director of the commission for review and approval and shall provide adequate documentation to enable the executive director to make the following determinations:

(1) That the work done was directly attributable to the operation of this chapter.

(2) That the work done is reasonably related to, and appears to be necessary for, the preparation of a certifiable port master plan for the geographic area within the port's jurisdiction as identified by the commission pursuant to Section 30710.

(3) That the governing body of a port is not reimbursed for the costs of the work from any other source.

The executive director of the commission shall, within 60 days after receipt of the necessary information, approve the proposed claim, if the director can make the determinations set forth in this subdivision.

(c) After a proposed claim has been reviewed and approved by the executive director of the commission pursuant to subdivision (b), the governing body of the port may submit its claim for reimbursement to the Controller who shall then process and pay any such claim as provided for in Section 2231 of the Revenue and Taxation Code.

(Added by Ch. 741, Stats. 1978.)

CHAPTER 9

JUDICIAL REVIEW, ENFORCEMENT, AND PENALTIES

ARTICLE 1

GENERAL PROVISIONS

Section

30800	Additional remedies
30801	Petition for writ of mandate; aggrieved person
30802	Decisions or actions not appealable to commission; petition for writ of mandate; intervention
30803	Declaratory and equitable relief; preliminary equitable relief; bond
30804	Enforcement of duties; bond
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ARTICLE 2

PENALTIES

Section

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30821.6	Violation of cease and desist order; penalties
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30823	Disposal of funds
30824	Ex parte communication violation

ARTICLE I
GENERAL PROVISIONS

Section 30800

The provisions of this chapter shall be in addition to any other remedies available at law.

Section 30801

Any aggrieved person shall have a right to judicial review of any decision or action of the commission by filing a petition for a writ of mandate in accordance with Section 1094.5 of the Code of Civil Procedure, within 60 days after the decision or action has become final.

For purposes of this section and subdivision (c) of Section 30513 and Section 30625, an "aggrieved person" means any person who, in person or through a representative, appeared at a public hearing of the commission, local government, or port governing body in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the commission, local government, or port governing body of the nature of his concerns or who for good cause was unable to do either. "Aggrieved person" includes the applicant for a permit and, in the case of an approval of a local coastal program, the local government involved.

(Amended by Ch. 285, Stats. 1991.)

Section 30802

Any person, including an applicant for a permit or the commission, aggrieved by the decision or action of a local government that is implementing a certified local coastal program or certified port master plan, or is exercising its powers pursuant to Section 30600.5, which decision or action may not be appealed to the commission, shall have a right to judicial review of such decision or action by filing a petition for writ of mandate in accordance with the provisions of Section 1094.5 of the Code of Civil Procedure within 60 days after the decision or action has become final. The commission may intervene in any such proceeding upon a showing that the matter involves a question of the conformity of a proposed development with a certified local coastal program or certified port master plan or the validity of a local government action taken to implement a local coastal program or certified port master plan. Any local government or port governing body may request that the commission intervene. Notice of this action against a local government or port governing body shall be filed with the commission within five working days of the filing of this action. When an action is brought challenging the validity of a local coastal program or certified port master plan, a preliminary showing shall be made prior to proceeding on the merits as to why such action should not have been brought pursuant to the provisions of Section 30801.

(Amended by Ch. 1173, Stats. 1981.)

Section 30803

(a) Any person may maintain an action for declaratory and equitable relief to restrain any violation of this division, of a cease and desist order issued pursuant to Section 30809 or 30810, or of a restoration order issued pursuant to Section 30811. On a prima facie showing of a violation of this division, preliminary equitable relief shall be issued to restrain any further violation of this division. No bond shall be required for an action under this section.

(b) A court may stay the operation of the cease and desist order after it provides notice to the commission and holds a hearing. Any such stay may be imposed or continued only if it is not against the public interest.

(Amended by Ch. 761, Stats. 1991.)

(Amended by Ch. 1199, Stats. 1993.)

Section 30804

Any person may maintain an action to enforce the duties specifically imposed upon the commission, any governmental agency, any special district, or any local government by this division. No bond shall be required for an action under this section.

(Amended by Ch. 285, Stats. 1991.)

Section 30805

Any person may maintain an action for the recovery of civil penalties provided for in Section 30820 or 30821.6.

(Amended Ch. 1199, Stats. 1993.)

Section 30805.5

Any action pursuant to Sections 30805 or 30822 to recover civil fines or penalties under this chapter shall be commenced not later than three years from the date on which the cause of action for the recovery is known or should have been known.

(Added by Ch. 1199, Stats. 1993.)

Section 30806

(a) Any civil action under this division by, or against, a city, county, or city and county, the commission, special district, or any other public agency shall, upon motion of either party, be transferred to a county or city and county not a party to the action or to a county or city and county other than that in which the city, special district, or any other public agency which is a party to the action is located.

(b) In any action brought by or against any local government, other than an action brought by or against the commission, that involves the enforcement or implementation of its certified local coastal program, the Department of Justice shall, upon the request of the local government, provide such legal assistance as its resources permit.

(Amended by Ch. 919, Stats. 1979.)

(Amended by Ch. 285, Stats. 1991.)

Section 30807

(Repealed by Ch. 1173, Stats. 1981.)

Section 30808

In addition to any other remedy provided by this article, any person, including the commission, may bring an action to restrain a violation of the terms and conditions of an urban exclusion imposed pursuant to Section 30610.5. In any such action the court may grant whatever relief it deems appropriate to ensure compliance with the terms and conditions of the urban exclusion.

Section 30809

(a) If the executive director determines that any person or governmental agency has undertaken, or is threatening to undertake, any activity that (1) may require a permit from the commission without securing a permit or (2) may be inconsistent with any permit previously issued by the commission, the executive director may issue an order directing that person or governmental agency to cease and desist. The order may be also issued to enforce any requirements of a certified local coastal program or port master plan, or any requirements of this division which are subject to the jurisdiction of the certified program or plan, under any of the following circumstances:

(1) The local government or port governing body requests the commission to assist with, or assume primary responsibility for, issuing a cease and desist order.

(2) The commission requests and the local government or port governing body declines to act, or does not take action in a timely manner, regarding an alleged violation which could cause significant damage to coastal resources.

(3) The local government or port governing body is a party to the violation.

(b) The cease and desist order shall be issued only if the person or agency has failed to respond in a satisfactory manner to an oral notice given in person or by telephone, followed by a written confirmation, or a written notice given by certified mail or hand delivered to the landowner or the person performing the activity. The notice shall include the following:

(1) A description of the activity which meets the criteria of subdivision (a).

(2) A statement that the described activity constitutes development which is in violation of this division because it is not authorized by a valid coastal development permit.

(3) A statement that the described activity be immediately stopped or the alleged violator may receive a cease and desist order, the violation of which may subject the violator to additional fines.

(4) The name, address, and phone number of the commission or local government office which is to be contacted for further information.

(c) The cease and desist order may be subject to such terms and conditions as the executive director may determine are necessary to avoid irreparable injury to any area within the jurisdiction of the commission pending action by the commission under Section 30810.

(d) The cease and desist order shall be effective upon its issuance, and copies shall be served forthwith by certified mail upon the person or governmental agency subject to the order.

(e) A cease and desist order issued pursuant to this section shall become null and void 90 days after issuance.

(Added by Ch. 761, Stats. 1991.)

Section 30810

(a) If the commission, after public hearing, determines that any person or governmental agency has undertaken, or is threatening to undertake, any activity that (1) requires a permit from the commission without securing the permit or (2) is inconsistent with any permit previously issued by the commission, the commission may issue an order directing that person or governmental agency to cease and desist. The order may also be issued to enforce any requirements of a certified local coastal program or port master plan, or any requirements of this division which are subject to the jurisdiction of the certified program or plan, under any of the following circumstances:

(1) The local government or port governing body requests the commission to assist with, or assume primary responsibility for, issuing a cease and desist order.

(2) The commission requests and the local government or port governing body declines to act, or does not take action in a timely manner, regarding an alleged violation which could cause significant damage to coastal resources.

(3) The local government or port governing body is a party to the violation.

(b) The cease and desist order may be subject to such terms and conditions as the commission may determine are necessary to ensure compliance with this division, including immediate removal of any development or material or the setting of a schedule within which steps shall be taken to obtain a permit pursuant to this division.

(c) Notice of the public hearing on a proposed cease and desist order shall be given to all affected persons and agencies and the order shall be final and effective upon the issuance of the order. Copies shall be served immediately by certified mail upon the person or governmental agency subject to the order and upon other affected persons and agencies who appeared at the hearing or requested a copy. The notice shall include a description of the civil remedy to a cease and desist order, authorized by Section 30803.

(Amended by Ch. 1199, Stats. 1993.)

Section 30811

In addition to any other authority to order restoration, the commission, a local government that is implementing a certified local coastal program, or a port governing body that is implementing a certified port master plan may, after a public hearing, order restoration of a site if it finds that the development has occurred without a coastal development permit from the commission, local government, or port governing body, the development is inconsistent with this division, and the development is causing continuing resource damage.

(Added by Ch. 955, Stats. 1992.)

(Section renumbered by Ch. 1199, Stats. 1993.)

ARTICLE 2

PENALTIES

Section 30820

(a) Any person who violates any provision of this division may be civilly liable in accordance with this subdivision as follows:

(1) Civil liability may be imposed by the superior court in accordance with this article on any person who performs or undertakes development that is in violation of this division or that is inconsistent with any coastal development permit previously issued by the commission, a local government that is implementing a certified local coastal program, or a port governing body that is implementing a certified port master plan, in an amount that shall not exceed thirty thousand dollars (\$30,000) and shall not be less than five hundred dollars (\$500).

(2) Civil liability may be imposed for any violation of this division other than that specified in paragraph (1) in an amount that shall not exceed thirty thousand dollars (\$30,000).

(b) Any person who performs or undertakes development that is in violation of this division or that is inconsistent with any coastal development permit previously issued by the commission, a local government that is implementing a certified local coastal program, or a port governing body that is implementing a certified port master plan, when the person intentionally and knowingly performs or undertakes the development in violation of this division or inconsistent with any previously issued coastal development permit, may, in addition to any other penalties, be civilly liable in accordance with this subdivision. Civil liability may be imposed by the superior court in accordance with this article for a violation as specified in this subdivision in an amount which shall not be less than one thousand dollars (\$1,000), not more than fifteen thousand dollars (\$15,000), per day for each day in which the violation persists.

(c) In determining the amount of civil liability, the following factors shall be considered:

(1) The nature, circumstance, extent, and gravity of the violation.

(2) Whether the violation is susceptible to restoration or other remedial measures.

(3) The sensitivity of the resource affected by the violation.

(4) The cost to the state of bringing the action.

(5) With respect to the violator, any voluntary restoration or remedial measures undertaken, any prior history of violations, the degree of culpability, economic profits, if any, resulting from, or expected to result as a consequence of, the violation, and such other matters as justice may require.

(Added by Ch. 761, Stats. 1991.)

(Amended by Ch. 1199, Stats. 1993.)

Section 30821

(Repealed By Ch. 955, Stats. 1992.)

Section 30821.6

(a) Any person or governmental agency who intentionally or negligently violates any cease and desist order issued, reissued, or amended by the executive director or the commission, or any restoration order issued, reissued, or amended by the commission, a local government that is implementing a certified local coastal program, or a port governing body that is implementing a certified port master plan may be liable civilly in a sum of not to exceed six thousand dollars (\$6,000) for each day in which that violation persists. Any actual penalty imposed shall be reasonably proportionate to the damage suffered as a consequence of the violation.

(b) Sections 30809 and 30810 and subdivision (a) of this section do not authorize the issuance or enforcement of any cease and desist order as to any activity undertaken by a local governmental agency pursuant to a declaration of emergency by the board of supervisors of the county in which the activity is being or may be undertaken.

(Added by Ch. 761, Stats. 1991.)

(Amended by Ch. 1199, Stats 1993.)

Section 30822

Where a person has intentionally and knowingly violated any provision of this division or any order issued pursuant to this division, the commission may maintain an action, in addition to Section 30803 or 30805, for exemplary damages and may recover an award, the size of which is left to the discretion of the court. In exercising its discretion, the court shall consider the amount of liability necessary to deter further violations.

(Amended by Ch. 1199, Stats. 1993.)

Section 30823

Any funds derived under this article shall be expended for carrying out the provisions of this division, when appropriated by the Legislature. Funds so derived shall be deposited in the Violation Remediation Account of the Coastal Conservancy Fund until appropriated.

(Amended by Ch. 1618, Stats. 1982.)

Section 30824

In addition to any other applicable penalty, any commission member who knowingly violates Section 30324 is subject to a civil fine, not to exceed seven thousand five hundred dollars (\$7,500). Notwithstanding any law to the contrary, the court may award attorney's fees and costs to the prevailing party.

(Added by Ch. 1114, Stats. 1992.)

(Amended by Ch. 798, Stats. 1993.)

CHAPTER 10

SEVERABILITY

Section

30900 Severability.

Section 30900

If any provision of this division or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the division which can be given effect without the invalid provision or application, and to this end the provisions of this division are severable.

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